



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

AUG - 6 2015

The Honorable Lisa Murkowski
Chairman, Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Chairman Murkowski:

Enclosed are responses prepared by the Bureau of Reclamation to the questions for the record submitted following the June 18, 2015, legislative hearing before your Committee on the following bills: S. 982, the Water Rights Protection Act; S. 1365, the Authorized Rural Water Projects Completion Act; and S. 1533, the Water Supply Permitting Coordination Act.

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Col Christopher P. Salotti
Legislative Counsel
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Maria Cantwell, Ranking Member
Committee on Energy and Natural Resources

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Water and Power
June 18, 2015 Hearing regarding Pending Legislation
Questions for the Record Submitted to Ms. Dionne Thompson

Questions from Senator Jeff Flake

Question 1: In your written testimony you state that "S.982 would restrict the Secretary of the Interior and Secretary of Agriculture from acquiring water rights under State law." Please specify which provisions of the bill the Department views as limiting the acquisitions of water rights under State law by Federal agencies.

RESPONSE: Section 4(b) of this bill creates ambiguity over the proper roles of the states and Reclamation under Section 8 of the Reclamation Act. For example, state water rights law provides water right holders (including Reclamation) the ability to take actions to protect and defend their rights so as to assure the ability of agencies to execute their mission. The language of Section 4(b) could be broadly interpreted as preventing Reclamation from exercising these provisions, in conformity with state law, that it would otherwise be allowed to do under Section 8 of the Reclamation Act. In addition, Section 4(b) could prevent Reclamation from making legitimate objections to proposed changes in State law and regulatory requirements that would adversely impact its water rights and impede Reclamation's ability to carry out its mission.

Question 2: In your written testimony on S.982 you point to "numerous examples where Reclamation has contracts with water users that include the transfer or relinquishment of pre-existing private water rights..." Please provide a list of the contracts that involve a transfer or relinquishment of water rights in exchange for a license or contract at a Reclamation facility. Please include in this list the date when the transfer or relinquishment occurred.

RESPONSE: Reclamation's ability to successfully construct and operate new or expanded Federal water projects often requires the establishment of agreements with existing private water rights holders on affected river systems to ensure the viability of the proposed project operations. Those agreements typically entail some form of commitment existing water rights holders to not fully exercise those rights under specified conditions, in exchange for a Federal commitment to provide reliable supplies of Project water. In some cases those agreements involve an actual transfer or relinquishment of private water rights. Examples include:

- **Emery County Project, Utah.** In agreements dated June 27, 1962 (with Huntington-Cleveland Irrigation Company, Contract #14-06-400-2523) and June 25, 1962 (with Cottonwood Creek Consolidated Irrigation Company, Contract #14-06-400-2522), these entities contracted with the United States to "exchange and adjust" water rights in order for the Emery County Project to proceed. In these contracts, the contractor "quitclaims to the United States its right to water in excess of the amount that it will call for as provided

above ... and further agrees to execute any appropriate conveyance or assignment to the United States of its water rights representing such excess water."

- **Vernal Unit, Central Utah Project.** In an agreement dated September 20, 1994 (with "Individual Water Users Utilizing Dodds Ditch", Contract #95-07-40-R1850), the water users agreed to accept certain guarantees of water deliveries from the United States in exchange for agreeing not to fully exercise of their 1897-decreed water right.
- **Clear Creek (Sacramento River tributary), California.** In consideration of the removal of Saeltzer Dam in 2000, Reclamation agreed (contract #00-WC-20-1735, August 18, 2000) to provide a substitute supply of water to the McConnell Foundation, holder of the water rights that can no longer be exercised due to the dam removal. As part of this arrangement, Townsend Flat Water Ditch Company provided a quitclaim deed to the United States for "all its right, title and interest in and to" a pre-1914 appropriative right for diverting up to 55 cubic feet per second from Clear Creek, in excess of 6,000 acre-feet.
- **Rio Grande Project New Mexico/Texas.** In order to facilitate the construction and operation of the Rio Grande Project (including Caballo and Elephant Butte Reservoirs), the United States acquired, in a contract dated June 27, 1906, water rights from the Elephant Butte Water Users Association and the El Paso Valley Water Users Association in exchange for federal payments and the opportunity for those districts to utilize the planned project irrigation works and repay their allocated share of project construction costs over time.
- **Fryingpan-Arkansas Project, Colorado.** In a contract with the United States (#14-06-700-6576), the Highline Canal Company agreed to transfer to the Board of Water Works of Pueblo, Colorado, a one-half interest in the Company's decreed Western Slope water rights, in exchange receiving various benefits from the United States including an entitlement to store 1,000 acre-feet of Company Water in Project facilities. Separately, the United States contracted with the Board of Water Works of Pueblo to provide for the transportation of the transferred water rights through the Fryingpan-Arkansas Project transmountain diversion works.
- **Central Valley Project, California.** Under Contract ILR-1126, dated May 24, 1939, the Madera Irrigation District conveyed its water rights and land to the United States in exchange for payments from the U.S., access to a supplemental water supply from Friant Dam (Central Valley Project), and other benefits.
- **Central Valley Project, California.** More generally in 1939, in order to construct and operate the CVP, an historic accord was struck between the United States and a group of farmers and their water supply entities who held priority water rights to the waters of the San Joaquin River. That accord allowed the United States to use those priority rights for delivery from Friant Dam, in exchange for a substitute water supply delivered to those farmers and entities from CVP Facilities. This agreement, known as the "Exchange Contract," permitted the building and filling of Friant Dam and the irrigation of 1.3 million acres on the east side of the San Joaquin Valley to proceed. The contractors agree not to "divert, dispose of, or otherwise use water" pursuant to their San Joaquin

rights so long as the United States fulfills certain Project water delivery commitments. However, these exchange contracts do not include a transfer or relinquishment of water rights.

Questions from Senator Mazie Hirono

Question 1: Honoring our federal trust responsibilities to American Indian tribes and our Nation's First People is absolutely paramount. I am dismayed to learn that we have advanced only 29 Indian water rights settlements over the last three and a half decades, when hundreds of tribes' water rights have not been adjudicated. Resolving these claims is of the utmost importance to honoring tribes' rights, bringing water and economic development to Indian Country, and bringing greater certainty to Western water management.

We should be doing everything that we can to resolve these claims and advance settlements in a timely manner. It is the federal government's legal and moral responsibility to do so. In your testimony you note that as drought and climate change intensify, it is all the more urgent to plan for these costs and enable the timely resolution of tribes' rights. And, yet—your testimony states that the current piecemeal approach to funding these settlements, which competes with other tribal and water priorities—is the appropriate approach. This seems incongruent, especially as the Administration is working to secure permanent funding for other important priorities such as conservation—which I also support.

There seems to be broad consensus across a wide group of tribal and state stakeholders that providing permanent funding to resolve Indian water rights settlements is one of the most important policy steps we can take.

It will not only help to resolve these settlements in a more timely manner—it makes fiscal sense from a budgeting stand-point as it would enable responsible planning and lower out-year costs.

Can I have your commitment to work with the Subcommittee to identify a path forward on this critical issue?

RESPONSE: As your question suggests, the resolution of Indian water rights claims has two phases: negotiation of a settlement agreement and the necessary implementing legislation, followed by implementation of the settlement terms. Successful completion of both phases carries significant benefits, because simply negotiating and enacting a settlement provides all parties with much needed certainty and a reliable basis for planning that had been previously lacking. To date, the United States has successfully enacted 29 Indian water settlements and is actively engaged in 18 separate, additional settlement negotiations. As the Department has stated previously, this is a good start in addressing the need for reliable water supplies in Indian

country, but we agree that much more remains to be done. To that end, the President's Fiscal Year 2016 budget request seeks a significant increase in funding for ongoing and new settlement negotiations.

On the implementation side, the Administration will need to continue to work with Congress to fund existing as well as upcoming settlements. With some notable recent exceptions, water rights settlements generally have been funded through the Department's discretionary appropriations. Work to be performed under the settlements by the Bureau of Reclamation (Reclamation) has come out of Reclamation's budget, and trust funds and other settlement costs generally have come out of the Bureau of Indian Affairs' (BIA) budget, but all Departmental bureaus have been asked from time to time to expend discretionary funds from their budgets on implementation of these water settlements. In all of these cases, the Administration has worked successfully with Congress to secure the funds needed to continue to implement and complete signed settlements. These funds already represent a significant and growing share of the bureaus' respective budgets. Finite budgetary and staff resources, as with all Department programs, will continue to be a limiting factor, particularly as the Department works to meet new and growing demands created by drought and other evolving challenges. That is why the Department has previously expressed support for looking at alternative approaches to funding settlement implementation activities.

Also, can you provide any data or estimates you have on the federal costs and economic impacts of Indian water rights settlements for the coming decades?

RESPONSE: It is difficult to speculate on the number and size of future settlements. However, the Department has estimated that the costs within the next ten years could be as high as \$2.7 billion. It is not unreasonable to consider the Federal costs of existing settlements as a predictor of future costs. With respect to settlements enacted since 2009, nearly \$2.6 billion in Federal cost was authorized, nearly \$1.1 billion has been appropriated, and over \$1.5 billion remains to be funded. The Department does not currently have an estimate of the benefits generated by funding provided to date. However, the hundreds of millions of dollars provided so far have funded significant construction and rehabilitation projects in many parts of Indian Country, which have produced substantial and tangible economic benefits for the tribal communities involved. The investments have also provided substantial health and quality-of-life benefits, including access to safe and reliable sources of water for residential and other uses. Construction funding also provides short-term economic stimulus to localities or regions.

For these reasons, a delay in funding settlements also delays the receipt of many of the economic benefits that are associated with settlements. These benefits will not fully accrue until the physical infrastructure associated with settlements is complete and operational. Given the high unemployment levels in Indian country, delaying settlement implementation also delays the stimulus effects associated with settlements.

Question 2: Access to safe, reliable drinking water is widely recognized around the world as a basic human right. In Hawaii, we are keenly aware of drinking water issues--as being an Island state we face many freshwater issues, including increased salt water intrusion with climate change.

Ms. Thompson you state that authorized rural water projects not only protect public health, but provide economic benefits. In your testimony you state that at current funding levels, some of these projects would not be completed until after the year 2063. That is nearly a half-century from now! And even then, we would still be more than a billion dollars behind the curve in funding authorized projects.

How can we ask communities suffering from inadequate water supplies to wait decades before we complete these projects? While I recognize that there are always competing demands on the federal budget, it seems unconscionable to not take action to help these communities now.

If S. 1365 is authorized, how will it advance completion of outstanding rural water projects? And, what kinds of additional policy ideas should we be thinking about in terms of advancing alternative financing for such projects?

RESPONSE: Section 103(a)(1) of S. 1365 would provide for a dedicated \$80 million per-year funding stream for 20 years to carry out construction of authorized rural water projects. This level of annual funding is larger than recent years' annual appropriations, which are trending below \$80 million per year. In Reclamation's 2014 Rural Water Assessment Report¹, Reclamation wrote that assuming an unconstrained level of federal funding that reflects the estimates provided in the original final engineering reports for each of the authorized projects (about \$162 million annually) and non-federal party funding contributions no more than the minimum required by the authorization Acts, Reclamation estimates that all remaining rural water projects could be completed by 2035. Reclamation has not conducted an estimate for the \$80 million per year funding rate provided for in S. 1365, but it is reasonable to estimate that these same projects, which are currently projected not to be substantially complete until after the year 2060, would likely be complete after 2035, possibly after 2045.

As for alternative financing for rural water projects, each of the authorized rural water projects was enacted with some level of non-federal funding, with the exception of the tribal component of the Garrison Diversion Unit Rural Water Project. And for each, Reclamation has received the minimum authorized non-federal share, but no more. If the rate of construction at these projects is to be accelerated without additional strain to limited federal resources, higher non-federal contributions should be explored. This could be achieved either through increased direct expenditures by the non-federal parties or any number of alternative financing methods such as

¹ www.usbr.gov/ruralwater/docs/Rural-Water-Assessment-Report.pdf

bonding or private sector financing. No new federal statutory authority is immediately necessary for these avenues to be pursued by the non-federal project partners.

Question 3: Ms. Thompson, S. 1533 would designate the Bureau of Reclamation as the lead agency for reviews, analyses, and permitting of water projects on federal lands.

This bill appears to apply to any new surface water storage projects constructed on lands administered by the Department of the Interior and the Department of Agriculture.

Your testimony noted that this bill would greatly expand the current scope of the Bureau's authority, and I would like to better understand that issue.

1. You note in your testimony that economic and other constraints underlie current challenges in developing new large storage projects – not permitting requirements. Can you please explain these constraints in greater detail?

RESPONSE: Water storage projects authorized pursuant to Reclamation law typically require that federally-funded construction be repaid by the project beneficiaries over a specified term. This concept is known as 'beneficiary pays'. In general, projects providing for agricultural water, the most common type of Reclamation project, are repaid over 40 years without interest pursuant to Section 9 of the Reclamation Projects Act of 1939. Projects providing municipal and industrial (M&I) water supplies are typically repaid with interest assessed on the repayment, not to exceed 3½ percent per year, pursuant to the Act.

As stated in the testimony, significant economic constraints underlie the development of new large surface storage projects. Several factors contribute to this, including the fact that in the now-settled 17 western states where Reclamation is authorized to operate, land use issues, environmental considerations, sensitive cultural resources and other factors make new surface storage far more expensive to construct than it was in the first half of the 20th century, when the majority of Reclamation's large reservoirs and projects were built. While water is no less precious today than it was in the early 20th century, it is more difficult today for water from a new large surface storage project to produce sufficient revenue for water users such that they can repay these now more-expensive projects. In addition, today's federal budget challenges make the appropriation of several hundred millions of dollars for the construction of new large surface storage projects a serious challenge.

For these reasons, Reclamation works to optimize existing surface water storage, and is at work studying authorized new surface water storage mindful of these constraints. Where new large surface storage projects make sense and the benefits outweigh the costs to construct and operate

them, Reclamation pursues those projects, subject to authority and the availability of appropriations.

2. What are the potential jurisdictional and programmatic impacts of this bill?

RESPONSE: S. 1533 puts Reclamation in a lead agency role over new surface water storage projects on lands administered by the Department of Agriculture. While many existing Reclamation facilities were constructed within or near national forests, Reclamation operates in the 17 western states, and there are USDA lands and national forests across the country², including several national forests in Alaska, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin. Placing Reclamation in a position to lead review of proposals in these states where Reclamation has no planning role, no operational role, no historic statutory authority and no budget for these activities is one source of jurisdictional and programmatic impacts from this bill.

3. Under your existing authority and guidelines, how does the Bureau currently coordinate review and permitting with other affected Federal agencies, and what changes would this bill make to that process?

RESPONSE: Reclamation and all federal agencies involved in resources management operate pursuant to the National Environmental Policy Act of 1969 (42 USC 4321-4347); Council on Environmental Quality Regulations at 40 CFR 1500-1508; Executive Orders; the Department of the Interior's Guidelines on Implementation of NEPA, 43 CFR Part 46; Department of the Interior NEPA Procedures at 516 Departmental Manual Chapters 1-4 and 14; and the Reclamation Manual, National Environmental Policy Act, Policy document ENV P03. NEPA's implementing regulations require at Section 46.155 that agencies "consult, coordinate, and cooperate with relevant State, local, and tribal governments and other bureaus and Federal agencies concerning the environmental effects of any Federal action within the jurisdictions or related to the interests of these entities." Reclamation's policy on coordinating review and permitting with other federal agencies is summarized in Reclamation Manual Policy document ENV P03, and entails input and involvement by any and all planning documents likely to affect other federal agencies' land, resources or mission areas.

² www.fs.fed.us/recreation/map/state_list.shtml

As stated in the answer to question 2, above, the primary change to Reclamation's processes if S. 1533 were enacted would be to place Reclamation in the role of lead federal agency for projects located in areas where Reclamation historically has no role.



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

AUG - 6 2015

The Honorable Lisa Murkowski
Chairman, Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Chairman Murkowski:

Enclosed are responses prepared by the Office of Insular Affairs to the questions for the record submitted following the July 14, 2015, oversight hearing before your Committee on Islanded Energy Systems.

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Maria Cantwell, Ranking Member
Committee on Energy and Natural Resources

U.S. Senate Committee on Energy and Natural Resources
July 14, 2015 Hearing: Islanded Energy Systems
Questions for the Record Submitted to the Honorable Esther Kia'aina

Questions from Ranking Member Maria Cantwell

Question 1: Overcoming Financing Barriers

During your testimony you indicated that the territories face challenges when seeking the resources required to execute their strategic energy plans.

You stated The Office of Insular Affairs (OIA) is responsible for coordinating Federal policy relating to the territories of Guam, American Samoa, the United States Virgin Islands (USVI), and the Commonwealth of the Northern Mariana Islands (CNMI), and accordingly you are in a good place to have a broad view of the challenges of the territories.

Question 2: Have you found instances where federal programs exist, such as the DOE loan programs, which could provide resources to support the islands' strategic energy plans if the programs were slightly modified to make territorial projects eligible?

Answer: The Office of Insular Affairs (OIA) has found that limited funding is available from other federal programs to support the islands' strategic energy plans.

The U.S. Department of Energy (DOE) Loan Programs Office administers two programs: the Title XVII Innovative Clean Energy loan program and the Advanced Technology Vehicles Manufacturing direct loan program. These are competitive loan programs that require at least \$150,000 up front in loan application fees. Given the small size of the territorial energy projects, the loan application fees are cost prohibitive for the territories. The DOE loan programs are designed for much larger projects that accelerate the development of clean energy across the United States. DOE's smallest loan under the program is currently \$50 million. While the DOE loan programs play an important role in supporting the deployment of renewable energy in states, major modifications would need to be made to the program to make it accessible to the U.S. territories.

The U.S. Department of Agriculture's Rural Utilities Service (RUS) loan program, on the other hand, is a viable financing mechanism for energy projects in the territories. However, loans sometimes do not cover the full cost of a project and territorial governments often face challenges of credit history and an inability to secure local matching funds. The loan programs sometimes require a labor-intensive application process and the loan funds can sometimes only be used for certain cost items. In addition, the territories at times must compete against much larger entities in the states for funding. For these reasons, grant programs are typically preferred over loan programs in the insular areas.

Due to the lack of funding sources for the U.S. territories, OIA proposes the creation of a new grant program within DOE designed to serve the unique needs of the insular areas in

the implementation of their strategic energy plans. DOE possesses the expertise, technical capacity, and other resources to administer a program of this nature.

If such a program cannot be created, then OIA proposes a substantial increase to its existing Empowering Insular Communities (EIC) grant program of \$3 million. The President's Budget for fiscal year 2016 proposes an increase to \$4.4 million in EIC funding. This increase will not only allow OIA to continue the implementation of strategic energy plans in the four territories but will also assist with the development of a strategic energy plan in Puerto Rico. Should an energy plan for Puerto Rico be completed, significant funding would be needed in future years for the implementation of such a plan.

In summary, as Puerto Rico's population is nearly ten times that of the other four U.S. territories combined, there is concern that the inclusion of Puerto Rico in OIA's EIC grant program will have significant adverse impact our ability to help the other territories without an increase in our base funding of \$3 million.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

August 17, 2015

The Honorable Don Young
Chairman, House Natural Resources
Subcommittee on Indian, Insular and Alaska Native Affairs
Washington, D.C. 20515

Dear Chairman Young:

Enclosed are responses to questions received by the Department following Kevin Washburn's, Assistant Secretary – Indian Affairs, appearance before your subcommittee at the April 22, 2015, hearing on "The Obama Administration's Part 83 Revisions and How They May Allow the Interior Department to Create Tribes, not Recognize Them." The responses were prepared by the Bureau of Indian Affairs.

Thank you for providing the Department the opportunity to respond to these questions.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and Legislative Affairs

Committee on Natural Resources
Subcommittee on Indian, Insular and Alaska Native Affairs
April 22, 2015 Hearing on Federal Acknowledgment

Questions from Chairman Bishop

- 1) The current Acknowledgment regulations prohibit newly-recognized tribes from expanding their membership rolls after enrollment. (25 CFR 83.12(b)). The Department explained in 1994 that that this provision was included "so that membership for purposes of Federal funding cannot later be so greatly expanded that the petitioner becomes, in effect, a different group than the one acknowledged. The acknowledgment decision rests on a determination that members of the petitioner form a cohesive social community and exercise tribal political influence. If the membership after acknowledgment expands so substantially that it changes the character of the group, then the validity of the acknowledgment decision may become questionable."

Although the draft proposed rule retained this provision, the Department removed the provision from the proposed rule without explanation. Why has the Department removed this provision without explanation?

Response: The Department eliminated this section because Part 83 is focused on the process and criteria for Federal acknowledgment and this section would impose limitations on newly acknowledged tribes. The Department affords newly acknowledged tribes the same deference to determine its own membership as it affords other federally recognized tribes. The preamble to the final rule provides this explanation at 80 FR 37884.

- 2) **Has the Department ever enforced the regulation described in the preceding question?**

Response: No. The Supreme Court has held that: "[a] tribe's right to define its own membership for tribal purposes has long been recognized as central to its existence as an independent political community." *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978). The Department has assisted petitioners during the Federal Acknowledgment Process to identify members of the petitioning group.

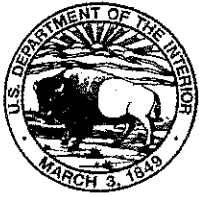
However, when tribes submit constitutional amendments relating to qualifications for citizenship to the Department for approval, the Department reviews such amendments in accordance with other applicable statutes and regulations. 25 U.S.C. § 476; 25 U.S.C. § 503; 25 C.F.R. Part 81. As part of that review, the Department has required tribes to articulate criteria for citizenship, but it does not interfere with tribal decisions regarding the criteria. Litigation has ensued relating to decisions concerning constitutional amendments and secretarial elections.

Committee on Natural Resources
Subcommittee on Indian, Insular and Alaska Native Affairs
April 22, 2015 Hearing on Federal Acknowledgment

Questions from Rep. Grijalva

- 1) During the hearing, there was some discussion about the Secretary's role in federal recognition. Can you clarify the Secretary's authority to acknowledge the existence of Indian tribes?**

Response: Congress granted the Assistant Secretary-Indian Affairs (then, the Commissioner of Indian Affairs) authority to "have management of all Indian affairs and of all matters arising out of Indian relations." 25 U.S.C. § 2 and § 9, and 43 U.S.C. § 1457. This authority includes the authority to administratively acknowledge Indian tribes. *See, e.g., Miami Nation of Indians of Indiana, Inc. v. United States Dep't of the Interior*, 255 F.3d 342, 346 (7th Cir. 2001); *James v. United States Dep't of Health & Human Servs.*, 824 F.2d 1132, 1137 (D.C. Cir. 1987). The Congressional findings that supported the Federally Recognized Indian Tribe List Act of 1994 expressly acknowledged that Indian tribes could be recognized "by the administrative procedures set forth in part 83 of the Code of Federal Regulations denominated 'Procedures for Establishing that an American Indian Group Exists as an Indian Tribe,'" and described the relationship that the United States has with federally recognized tribes. *See* Public Law 103-454 Sec. 103(2), (3), (8) (Nov. 2, 1994).



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

August 18, 2015

The Honorable Doug Lamborn
Chairman, House Natural Resources
Subcommittee on Energy and Mineral Resources
Washington, D.C. 20515

Dear Chairman Lamborn:

Enclosed are responses prepared by the Bureau of Land Management to questions received following Director Neil Kornze's appearance before your subcommittee at the March 26, 2015, hearing on the President's FY 2016 budget request for the BLM.

Thank you for providing the Department the opportunity to respond to these questions.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and Legislative Affairs

**Committee on Natural Resources
Subcommittee on Energy and Mineral Resources
1324 Longworth House Office Building
March 26, 2015
9:30 AM**

Oversight hearing on:

"Effect of the President's FY 2016 Budget and Legislative Proposals for the Bureau of Land Management and the U.S. Forest Service's Energy and Minerals Programs on Private Sector Job Creation, Domestic Energy and Minerals Production and Deficit Reduction"

Questions from Rep. Lamborn for Director Kornze, Bureau of Land Management

- 1. The Bureau of Land Management is seeking to increase leasing fees for those areas that it manages the subsurface rights on – however, most of the issues associated with development are surface issues. When the development of well pads occurs on National Forests and National Grasslands, will the Bureau of Land Management share existing receipts with the U.S. Forest Service, or is the Bureau intending to share these proposed fee increases with the U.S. Forest Service?**

Answer: The 2016 budget includes a package of legislative and administrative reforms focused on improving the return to taxpayers from the onshore and offshore oil and gas programs while improving transparency and oversight. The proposed changes fall into three general categories: (1) advancing royalty reforms; (2) encouraging diligent development of oil and gas leases; and (3) improving revenue collection processes.

Royalty reforms include evaluating minimum royalty rates for oil, gas, and related products, analyzing a price-based tiered royalty rate, and repealing legislatively-mandated royalty relief. Diligent development proposals include shortening primary lease terms, stricter enforcement of lease terms, and monetary incentives to get leases into production faster through the introduction of a new per-acre fee on nonproducing leases. Revenue collection proposals include simplifying the royalty valuation process, eliminating interest accruals on company overpayments of royalties, and permanent repeal of Interior's authority to accept in-kind royalty payments.

Collectively, these reforms would generate an estimated \$2.5 billion in revenue to the Treasury over 10 years, of which approximately \$1.7 billion would result from statutory changes. Because all of this federal revenue, consistent with existing laws, will be deposited in the Treasury, neither the BLM nor the U.S. Forest Service will be direct recipients of the fees collected. States where this resource development occurs will receive additional revenue beyond that payable to the Treasury consistent with the revenue sharing provisions under existing laws.

2. **Is there any policy mandating the development of a single National Environmental Policy Act of 1969 ("NEPA") document when the Bureau of Land Management and U.S. Forest Service must collaborate in a leasing decision? If not, how does the Bureau of Land Management coordinate with U.S. Forest Service to ensure NEPA documents do not become stale?**

Answer: The BLM and Forest Service (FS) have shared responsibilities with respect to the issuance and administration of oil and gas leases on National Forest System (NFS) lands. Both agencies share the common goals of efficiency, customer service, and responsible stewardship. The BLM and FS frequently develop joint NEPA documents, and work in close partnership when addressing lease issuance and administration in order to reduce duplicative efforts where possible.

The policy governing this coordination includes a 2006 Memorandum of Understanding (MOU) developed pursuant to Section 363 of the Energy Policy Act of 2005, P.L. 109-58. The MOU established joint BLM and FS policies and procedures for managing oil and gas leasing and operational activities pursuant to oil and gas leases on NFS lands, which includes oil and gas planning and NEPA analysis. The MOU directs the BLM and FS to coordinate leasing decisions and the application of lease stipulations. It also contemplates that the BLM serve as either a co-lead or cooperating agency in NEPA analysis being prepared for leasing decisions on NFS lands. As part of the NEPA process, the BLM participates on the FS interdisciplinary teams responsible for performing the required environmental analyses. All of this coordination helps ensure that mutual management goals and objectives for efficient and responsible oil and gas exploration and development activities are achieved.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

August 20, 2015

The Honorable Bill Cassidy
Chairman, Subcommittee on National Parks
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Chairman Cassidy:

Enclosed are responses prepared by the National Park Service to questions received following the June 10, 2015, hearing before your subcommittee regarding pending legislation.

Thank you for the opportunity to provide this material to the subcommittee.

Sincerely,

Christopher P. Salotti

Legislative Counsel

Office of Congressional and Legislative Affairs

Enclosure

cc: The Honorable Martin Heinrich
Ranking Member

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
June 10, 2015 Hearing: Pending Legislation
Questions for the Record Submitted to Mr. Victor Knox

Questions from Senator Lisa Murkowski

Question 1: In order to reroute and extend the North Country Trail to connect with the Appalachian Trail, there will be a need to acquire private land or obtain conservation easements over that private land for the construction of the trail. How many acres of private land would need to be acquired to complete the current trail route?

Answer: The current authorized route of the trail in northeastern Minnesota traverses approximately 93 miles of both public and private lands; we do not have an estimate of the amount of private land that would be involved if the trail was constructed as authorized. This section of the authorized route traverses black spruce and tamarack swamp. Because of the location and difficult environmental conditions within the swamp, efforts have been focused for many years on rerouting the trail rather than constructing this section.

Question 2: How many acres of private land would need to be acquired to complete the proposed reroute and extension of the trail?

Answer: Approximately seventy percent of the proposed Minnesota re-route and Vermont extension consist of existing hiking trails. No additional easements, acquisition, or trail construction would be required for these portions of the revised route. The remaining thirty percent of the revised route (approximately 199 miles) would be new trail located on a combination of public and private lands.

The NPS has identified respective corridors several miles wide within which the trail would eventually be laid out, but those portions of the trail that have yet to be built have not been laid out in detail. Therefore, at this time we cannot determine the acreage of private lands that may be needed. The flexibility provided by these corridors would allow the NPS and its partners to design routes that will minimize the amount of private land involved. It is the intention of the NPS to pursue donations, easements, and agreements to ensure access whenever possible.

Question 3: Does the National Park Service have the authority to acquire this private land by condemnation?

Answer: No. The National Park Service does not have the authority to acquire private lands for the North Country National Scenic Trail by condemnation. The language originally authorizing the North Country National Scenic Trail in 1980 specifically prohibited Federal agencies from acquiring land for the trail. The Omnibus Public Land Management Act of 2009 amended that language, providing Federal agencies the

authority to acquire lands for the trail, but only from willing sellers. It is the intention of the NPS, however, to pursue donations, easements, and agreements to ensure access whenever possible.

Question from Senator Bill Cassidy

Question: How often does a special resource study recommend that the study area not become a unit of the National Park System? Please provide data for the last 10 years.

Answer: For the 10 years from 2005 to 2014, the NPS completed 29 special resource studies. Of those 29, only 10 of the study areas met all of the criteria for inclusion in the National Park System and thus were recommended for inclusion. The results were similar for other types of studies – for national heritage areas, national trails, and wild and scenic rivers – in that many of the resources studied did not meet the criteria necessary to recommend designation.

Question from Senator Debbie Stabenow

Question: Will no additional funds be required to add mileage to the North Country National Scenic Trail, as proposed under the North Country National Scenic Trail Adjustment Act (S. 403)?

Answer: The NPS anticipates that constructing and maintaining the Arrowhead reroute and the Vermont extension of the North Country National Scenic Trail would not require additional federal funding because the work would be done primarily by volunteers using hand tools, and current NPS staff would provide route planning and support for the volunteers who would help develop and maintain the path.

Recent average expenditures for volunteer supplies have cost the North Country National Scenic Trail approximately \$60,000 per year. The net increase of approximately 546 miles to the current trail would increase operational costs by approximately \$7,000, split between NPS support and that independently generated by the trail chapters and affiliates. The NPS portions could be accommodated within the trail's current budget.

Questions from Senator Jeff Flake

Question 1: During the hearing, you acknowledged that the NPS believes the bison population in Grand Canyon National Park is damaging park resources and that the herd is too large. Despite this growing problem and the increased damage that is occurring, the Park Service has already taken more than a year to evaluate bison-management options, and believes it will take at least another six months before the Park Service issues a draft plan. It remains unclear how long the Park Service will then take to issue a final plan and begin implementation. We have a very real problem at the Grand Canyon, and taking two-plus years to simply develop a draft plan is far too long to wait while the bison continue to damage park resources and archeological sites. What can the Park Service do right now to accelerate the decision-making process?

Answer: The NPS considers this a high priority planning project and is working diligently with our partners - the Arizona Game and Fish Department, the U.S. Forest Service, and the Bureau of Land Management - to complete the plan quickly while also providing opportunities for public participation. The NPS will continue to look for additional opportunities to expedite the planning process with our partners.

Question 2: How much did the Park Service pay for each of the professional culling operations referenced in your written testimony (i.e., Rock Creek Park, Catoctin Mountain Park, and Channel Island National Park)?

Answer: It should be noted that the following three examples vary greatly in the type of activities that were conducted, in the environments where they took place, and in the means through which they were contracted. Therefore, they should not be seen as representative of how the NPS funds or conducts culling operations across the National Park System.

Catoctin Mountain Park: NPS used USDA/Wildlife Services (WS) as the contractor. The total cost (includes the contract and costs to administer the program) for the past 6 years (2010-2015) has been approximately \$571,000. Because Catoctin Mountain Park is the location of the Presidential retreat Camp David, part of the cost relates to conducting these operations near a high security area.

Rock Creek Park: NPS used USDA/WS as the contractor. The total cost for the past 3 years (2013-2015) has been approximately \$52,500. Rock Creek Park is located wholly within Washington, D.C., and is surrounded by densely populated urban areas.

Channel Islands National Park: The situation at Channel Islands differs from the above examples because it was not a culling operation to reduce populations, but a total elimination of non-native ungulates. These types of operations tend to be more expensive because the costs go up as the populations go down. In addition, the logistics of conducting this program on an island also raised costs significantly. NPS used a non-profit organization as the contractor at a cost of approximately \$519,000.

Question 3: How much has the Park Service spent on professional sharpshooters to assist with culling operations in national parks over the last ten fiscal years?

Answer: Contracts for professional sharpshooters are handled by each park individually, so the NPS does not have a total cost associated with this tool. There are approximately 12-15 NPS units that have used or are still using professional sharpshooters as contractors over the past 10 years to assist with culling operations. This is in addition to those mentioned above and below.

Question 4: How much has the Park Service spent to use National Park Service employees to conduct lethal culling operations in national parks over the last ten fiscal years?

Answer: Gettysburg is the only NPS unit that has used NPS employees to cull ungulates as part of a formal program over the past 10 years. The total cost for the years 2010-2013 was approximately \$86,000. At other parks, NPS employees have culled ungulates as part of their duties so the cost is not tracked.

Question 5: How long did it take the National Park Service to develop and finalize elk management plans using skilled volunteers to cull elk in Rocky Mountain National Park in Colorado and Theodore Roosevelt National Park in South Dakota?

Answer: The elk management plan for Rocky Mountain National Park took just under 5 years to finalize (Notice of Intent published May 2003 and Record of Decision signed February 2008), while the elk management plan for Theodore Roosevelt National Park took just under 6 years to finalize (Notice of Intent published August 2004 and Record of Decision signed June 2010).

Question 6: As part of establishing a bison management plan, you indicate that the Park Service "would follow applicable federal law and regulation with regard to disposition of carcasses." Please explain how applicable federal laws and regulations would affect the ability of skilled volunteers to keep bison meat as part of a culling operation at Grand Canyon National Park. For example, under current federal law and regulations could skilled volunteers keep an entire bison carcass harvested as part of a culling operation?

Answer: In general, the NPS has flexibility in "providing for the destruction" of "detrimental" wildlife taken under 54 USC 100752. Assuming there are no park-specific rules that prevent possession, this could allow volunteers to possess carcasses or parts of carcasses (meat) that are taken as a result of an approved program. Disposal of carcasses and meat in NPS culling operations has varied, depending on operational and resource needs, state agency preferences, local community demand, and other logistical factors. A skilled volunteer in a culling program may not have the same right to a particular carcass that a hunter would, but still may well be able to obtain and keep meat or a carcass, depending on the design and needs of the program. At Theodore Roosevelt and Rocky Mountain National Parks, the NPS transferred carcasses to the respective state wildlife

agencies and they distributed the meat to a variety of sources, including the skilled volunteers.

Question 7: If the Park Service settles on a management program that uses skilled volunteers, what is the process for volunteer selection? That is, would the Arizona Game and Fish Department run the program through a draw process or otherwise put forward candidates who are eligible to participate?

Answer: There are a variety of options available to NPS that could include state involvement in helping to select and train skilled volunteers, who can be signed up through the NPS Volunteers in Parks program. In Rocky Mountain National Park, the Colorado Division of Wildlife was very involved in the training program, while at Theodore Roosevelt National Park, it was the NPS who conducted the training. State licenses were not required at either Rocky Mountain or Theodore Roosevelt National Parks, so there was no need for the volunteers to go through the state license drawing system.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

August 20, 2015

The Honorable Lisa Murkowski
Chairman, Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Chairman Murkowski:

Enclosed are responses prepared by the Department of the Interior to questions received following the April 22, 2015, hearing before your Committee regarding the Land and Water Conservation Fund.

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and Legislative Affairs

Enclosure

cc: The Honorable Maria Cantwell
Ranking Member

U.S. Senate Committee on Energy and Natural Resources
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Questions for the Record Submitted to Deputy Secretary Michael Connor

Questions from Chairman Lisa Murkowski

Question 1: Many federal lands that have great benefit to sportsmen and women are inaccessible to varying degrees. What is the administration's plan to address access challenges on federal lands?

Response: The need to assure public access to the lands and waters we have is a critical component of our commitment to the American people. The Administration is continually looking at ways to increase access to federal lands for recreation purposes, both systematically and in individual situations as access issues arise.

For the last 5 years, the Administration has focused on the acquisition of inholdings (99.25% for DOI) to assure that all Americans can access these lands for future generations. Acquiring inholdings from willing sellers helps maintain the integrity of the lands where there is already a federal investment and protects them from harms that would result from incompatible uses on adjacent lands. The Administration is also utilizing funds that have been made available for easements and purchases of land to enhance access to the parcels of public lands that are not currently legally accessible to the public. The Land and Water Conservation Fund (LWCF) has been a critical component in ensuring this access.

As for improving access to federal lands specifically for sporting and recreation, the FY 2016 Budget contains over \$20 million in discretionary and mandatory funds for this purpose. This includes discretionary funds of \$8.5 million for Interior and \$5.0 million for the Forest Service and mandatory funds of \$6.5 million for Interior for improved access for sportsmen and hunters.

Question 2: On March 12, BLM testified before this Committee that the Department "strongly supports" the reauthorization of the Federal Land Transfer Facilitation Act (FLTFA). Since FLTFA was enacted, has the BLM used it to sell public lands at auction to the highest bidder? What portion of those sales conducted under FLTFA has been made to private citizens or companies?

Response: The Federal Land Transaction Facilitation Act (FLTFA) was enacted on July 25, 2000 (P.L. 106-248). FLTFA was originally authorized for a 10-year period and first expired July 24, 2010. On July 29, 2010, Congress passed an emergency supplemental appropriations bill which extended FLTFA for one year to expire July 25, 2011. All funds in the Federal Land Disposal Account on July 24, 2010, and on July 24, 2011, when FLTFA expired were deposited into the General Treasury, LWCF account which is subject to annual appropriations.

During FLTFA's 11-year history, 27,249 acres were sold under this authority and 18,093 acres of environmentally-sensitive and significant lands were acquired.

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The BLM conducted competitive land sales and sold land to the highest bidder using the General Services Administration online auctions process and in-person competitive land sales. The sales were made predominately to private citizens and companies and the acquisitions involved willing sellers. The acquired lands were within or adjacent to certain Federally-designated areas with exceptional resources managed by the NPS, FWS, BLM, and the U.S. Forest Service.

Question 3: States are required to engage in planning for their outdoor recreation needs and to select, based on established criteria in those plans, high priority state and local projects. What kind of planning process exists on the federal side for land acquisitions? Does the LWCF Act require a planning process on the federal side for land acquisitions? How is the public engaged in the process?

Response: The Department's federal land acquisition process includes robust public engagement. For example, at the Department level, the FY16 LWCF request includes funding for the Collaborative Landscape Projects, which are projects developed cooperatively with local communities to address specific conservation priorities identified through a collaborative process. Proposed Federal land acquisition projects are developed with the support of local landowners, elected officials, and community groups; agencies routinely field far more interest from willing sellers than they are able to meet with available funding. This broad collaboration around locally driven priorities provides an efficient and coordinated way to invest in, restore, and manage the country's natural and cultural resources. And, each Department bureau utilizes an established process to rank land acquisition priorities for itself based on available resources, mission objectives and local community and landowner input.

Question 4: How many acres have been acquired with LWCF funds since the beginning of the program? For the federal acquisitions acres, please include a table that lists the acquisitions by agency (National Park Service, Fish and Wildlife Service, Bureau of Land Management, and Forest Service) and includes the acres and the state for each.

Response: The Department can provide the appropriated funding by field unit and state, along with acres planned for acquisition when the funding was enacted for its bureaus for the time period 2006 through 2015. During this period, the total amount of acres planned for line item project acquisition when the funding was enacted was over 500,000 for line-item projects only. This table is attached.

The Department of Agriculture's Forest Service was contacted regarding an accounting of its Federal land acquisitions, and will provide that information separately.

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Question 5: Is the \$11.4 billion maintenance backlog within the National Park Service for high priority assets only? What is the maintenance backlog for medium and low priority assets (listed separately) within the National Park Service?

Response: As of the end of FY 2014, the total deferred maintenance backlog stood at \$11.5 billion. Of this total, \$2.2 billion is attributable to the NPS' highest priority non-transportation assets. Of the more than 75,000 assets managed by NPS, just over 6,700 are considered highest priority, and of these, 4,000 contribute to the deferred maintenance backlog. The National Park Service strategy is to focus its resources on these most important assets. The NPS has not separately listed the medium and lower priority assets.

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Questions from Senator Bill Cassidy

Question 6: Can you please share the primary sources of revenue to the Land and Water Conservation Fund (LWCF)? There are members of the committee, as well as some of you, who have advocated for the LWCF to be reauthorized and fully funded. While I agree that the LWCF needs to be re-authorized, I believe we can derive revenues for the fund through increased access to our energy resources on the Outer Continental Shelf. Could or should an increase in funding to the LWCF come from future OCS exploration and production as opposed to an appropriations increase that may require an offset?

Response: By statute, \$900 million is deposited into the LWCF account annually and is funded primarily through a small portion of revenues from federal oil and gas leases on the Outer Continental Shelf. Contributions from Surplus Property Sales, and Motor Boat Fuels Tax vary each year but are nominal compared to the amount from receipts on the Outer Continental Shelf. The Administration's mandatory funding proposal for LWCF provides full mandatory funding for LWCF projects beginning in 2017. This mandatory funding, in addition to increasing financial certainty, enhancing local conservation partnerships and optimizing investments, will achieve the original intent of the LWCF Act—the dedication of a small portion of the money collected from oil and gas development and invest it into conservation and recreation projects for the benefit of all Americans. It will also eliminate the need for offsets to any increases in annual appropriations.

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Questions from Senator Ron Wyden

Question 7: The National Park Service is dealing with a maintenance backlog in the nation's parks. What has the Department of the Interior and the National Park Service done, or what does it plan to do in the future, to take care of the maintenance backlog so that programs like LWCF don't get needlessly reorganized to pay for that backlog?

Response: The Department changed the focus of the Five-Year Deferred Maintenance and Capital Improvement planning beginning in FY 2015 to the highest priority assets that are mission critical. In addition, the Department requires that bureaus dedicate three percent of their construction budgets to the disposal of assets, eliminating deferred maintenance on unused assets. During times of limited budgets, focusing on the highest priority, mission-critical assets is a strategically sound plan that makes the best use of the maintenance funds available.

The FY 2016 budget request includes a significant commitment to address the NPS deferred maintenance backlog. The NPS strategy is to focus resources on the highest priority, mission-critical assets. As of the end of FY 2014, the total backlog stood at \$11.5 billion; of this, \$2.2 billion is attributable to the NPS' highest priority non-transportation assets. If fully funded, the levels requested in FY 2016 would restore all these highest priority non-transportation assets to good condition over ten years, and maintain them there through regular cyclic maintenance.

Question 8: In your testimony you mentioned that federal land acquisition actually reduces the cost of managing federal lands. Can you explain how inholdings are identified for acquisition and the process for completing the purchase of the land? And, how specifically does acquisition of inholdings improve maintenance and land management on large tracts of federal lands?

Response: Proposed Federal land acquisition projects are developed with the support of local landowners, elected officials, and community groups. Agencies routinely field far more interest from willing sellers than they are able to meet with available funding, and must prioritize which projects to include in the budget request each year based on criteria including project readiness, resource values to be protected, threat to the resource, and local support. Once funding is appropriated for a project, the agency works with Interior's independent Office of Valuation Services to appraise the property, completes title work and environmental site assessments, and finally makes an offer to the landowner for the appraised fair market value.

Acquisition of inholdings generally does not require additional operating costs as rarely are new staff or equipment required to manage new lands within existing

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boundaries. Occasionally, agencies may incur up-front costs to remove existing improvements (fences, buildings, etc.) from an acquired property. When possible or practical, the agencies require the landowner to remove such improvements prior to transfer of title to avoid inheriting these costs. By removing unwanted structures on newly acquired land, agencies avoid adding to ongoing O&M requirements.

Acquisition of inholdings can greatly simplify land management for federal managers and neighboring landowners. Eliminating checkerboard ownership within federal units simplifies nearly every aspect of land management. For example, wildland fire managers can apply appropriate fuels reduction, planned burns, and fire suppression treatments more easily and at less expense across an unfragmented landscape. Law enforcement and public safety personnel can more easily patrol and respond to emergencies when public ownership is consolidated, and recreation managers can more easily provide access for the public to enjoy their public lands. One additional major cost saving measure is eliminating potential trespasses from adjacent landowners which may be complicated and expensive to resolve.

Question 9: In the hearing, there was a lot of discussion around the source of the maintenance backlog, and that somewhere around 50% of the maintenance backlog was due to roads and other transportation projects within park boundaries that should actually be paid for by the Department of Transportation rather than the federal land management agencies. Can you provide the breakdown for the National Park Service – how much of your maintenance backlog consists of transportation projects and how much consists of other work such as facilities repairs or trail maintenance?

Response: As of the end of FY 2014, the NPS deferred maintenance backlog stood at \$11.5 billion:

- \$5.9 billion attributable to non-transportation assets, and
- \$5.6 billion due to transportation assets.

Nearly half of the deferred maintenance backlog is in roads, bridges, and tunnels—all critical infrastructure, which historically receive support from funding provided in Transportation bills.

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Questions from Senator Debbie Stabenow

Question 10: In your testimony, you stated that over the last five years, 99.25% of the lands acquired by the Department of the Interior were inholdings. You also described how the acquisition of inholdings helps to reduce maintenance costs within federal land units.

With funding from the Land and Water Conservation Fund being used almost exclusively to acquire inholdings, and the role these acquisitions play in reducing maintenance, would you say that the LWCF is already helping to combat maintenance backlogs?

Response: To the extent that the acquisition of inholdings reduces operating costs for federally managed lands, that acquisition frees up funding for other purposes, including addressing maintenance backlogs.

Question 11: Could you provide a few additional examples, beyond those in your written testimony, that demonstrate how acquiring inholdings reduces maintenance costs?

Response: Examples of enhanced management resulting from land acquisition:

St. Vincent National Wildlife Refuge (NWR)

St. Vincent NWR is an island off the panhandle coast of Florida in Apalachicola Bay, off the Gulf of Mexico. Acquisition of the 5-acre tract on the mainland of Apalachicola Bay provides permanent deep water mooring with launch site, secure parking and equipment storage. Daily boat access for St. Vincent NWR staff is required 24/7 for all island management activities, such as sea turtle nest monitoring and protection, habitat management, prescribed burning, hunting and fishing management and protection, and response to visitor emergencies. As the refuge is only accessible by water, the site reduces staff travel time from the refuge office to transfer supplies and heavy equipment. The acquisition of the site also eliminates the annual \$12,000 lease payment for the prior site and provides significant savings in fuel for vehicles.

Prior to the acquisition of the deep water mooring and launch site, the FWS conducted a critical review and analysis of deep water mooring and access options in the general vicinity of the refuge. Only two or three options were possible, with the acquisition of the acquired site being the most cost effective and safest for staff. The other sites involved longer nautical travel distances at nine miles, were more costly as public boat launch sites, and did not offer the security needed for refuge equipment.

San Joaquin NWR, CA

In 2006, the FWS acquired a 371-acre tract at San Joaquin NWR, including riparian water rights. Along with other acreage acquired within the Refuge, 2,700

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acres have been restored to riparian woodland habitat. After three years, irrigations for the riparian restoration ceased. The land acquired was cropland that used approximately 24,000 acre-feet of water every year. With the land restored to riparian woodland habitat, the 24,000 acre-feet of water is not used for irrigation on the Refuge; the water stays in the San Joaquin River and benefits in-stream flow, aquatic species, and downstream users. The use of riparian water rights via lift pump on the Stanislaus River has saved the refuge approximately \$140,000 in the past seven years (\$20,000 annually). Previously, water was acquired by paying for expensive pumped well water. With the riparian forest rehabilitation within the Refuge, the riparian brush rabbit population has returned from the brink of extinction due to habitat loss and degradation.

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Questions from Senator Jeff Flake

Question 12: Part of the cost of acquiring new Federal land should be mitigating the loss of a vibrant tax base for local governments. In FY2002, PILT payments were made from the LWCF and in the Department of Interior Budget hearing in this committee two months ago Secretary Jewell suggested that a portion of the funding stream currently dedicated to LWCF could be dedicated to PILT. Would you elaborate on the Secretary's suggestion that LWCF funding streams could be used to meet PILT obligations?

Response: The Administration has requested reauthorization of and funding for PILT consistently, including in the FY16 budget. The 2016 budget proposes to extend PILT permanent funding for one additional year, while a sustainable long-term funding solution is developed for the program. The proposal assumes extension of the PILT payment formula, which is based on a number of factors, including the amount of Federal land within an eligible unit of local government, its population, and certain other Federal payments the local government may receive. The cost of a one-year extension is estimated to be \$452 million in 2016.

The Administration would support a package that reauthorizes both LWCF and PILT, but does not support paying for PILT out of LWCF. Providing PILT payments in this manner would not be consistent with the intent of LWCF: balancing the permanent depletion of one federal resource with the permanent protection of lands and waters, another non-renewable resource.

Question 13: In your written testimony you express the amount of inholdings that were purchased by the DOI over the past five years as a percentage of the total amount of land purchased by the DOI during that time. In your response to questions on this subject during the hearing you referred to "edgeholdings." Please define the term "edgeholding" and provide, by state and by agency (BLM, NPS, and FWS), the amount of land acquired over the past 10 years under LWCF authorities which were completely surrounded by Federal land and which were on the boundaries of Federal land. Please compare these amounts to those LWCF acquisitions by the Forest Service over the same time period.

Response: In the past five years, 99.25% of the lands acquired by the Department of the Interior were inholdings of existing conservation units. The acquisition of inholdings can reduce maintenance and manpower costs by reducing boundary conflicts, simplifying resource management activities, and easing access to and through public lands. This focus maximizes management efficiencies for the agencies and, in many cases, reduces costs.

Since 2011, Congress has appropriated funding for four projects where acquisitions did not lie completely within the boundary of an existing conservation unit at the time of the appropriation, but were adjacent to or bisected by the boundary ("edgeholdings"). In all instances, acquisitions using LWCF

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funding were authorized by the Land and Water Conservation Fund Act, and include the following:

1. In FY2011, Congress appropriated \$640,000 to NPS to purchase an 18.23 acre tract on the boundary of Catoctin Mountain Park in Maryland. Upon receipt of the appropriation, NPS completed a minor boundary adjustment. The tract was thereby included within the boundary at the time of purchase.
2. In FY2015, Congress appropriated \$982,000 to BLM to acquire approximately 1,900 acres adjacent to San Sebastian Marsh/San Felipe Creek Area of Critical Environmental Concern (ACEC) in California. The acquisitions funded in FY2015 help reduce the ownership checkerboard and support improved land management of this sensitive landscape and recreational access. San Sebastian Marsh is open to hiking and is a popular area for nature study.
3. In FY2015, Congress appropriated \$1.2 million to BLM to acquire approximately 440 acres at Canyons of the Ancients National Monument in Colorado. Funds were appropriated to protect two properties straddling the boundary that were facing immediate threats from rural residential development, vandalism, and degrading land use practices.
4. In FY2013, Congress appropriated \$4.5 million to BLM to acquire approximately 366 acres at the California Coastal National Monument. The unique oceanfront edgeholding was offered by a highly motivated willing seller, at a time when coastal properties in California face immediate threat from commercial and rural residential development.

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Questions from Senator Rob Portman

Question 14: I am a very strong supporter of LWCF, and as you know I also am strongly committed to addressing the critical unmet maintenance needs in our national parks and other public lands. Clearly, we need LWCF to secure the inholdings and other lands that make our parks the important resources they are for the American people. At the same time and for similar reasons, we absolutely need to address the Park Service maintenance backlog as we head toward the Centennial of the National Parks, which I am working to do.

Regarding LWCF, I have seen the critical importance of strategic acquisitions of key properties and conservation easements in my own state at Cuyahoga Valley National Park, which is among the top most visited urban National Parks in the entire country, where lands secured by the Park Service at the Blossom Music Center, the old Cleveland Cavaliers coliseum site, and elsewhere were essential to maintaining the character of the Park and now provide well-used recreation opportunities. And we are seeing it too at Dayton Aviation Heritage National Historic Park, which already includes some of the most pivotal sites needed to tell the story of the birth of aviation, such as the Wright brothers' famous bike shop, but which has yet to protect other features including the actual Wright Company factory buildings where they built the world's first airplanes.

These places are important to our communities not only for their recreational, scenic, and historic value, but also for their economic value as well. With 2.2 million visitors each year, Cuyahoga Valley is a major component of Ohio's recreation economy, which the Outdoor Industry Association affirms is responsible for \$17.4 billion in consumer spending in my state and supports 196K direct Ohio jobs. Similarly, Dayton Aviation does more than fire up the imagination of visitors from around the world — it also is bringing tourist dollars to Dayton and serving as the focal point for an Aviation and Aerospace Innovation District, with deep local government and nonprofit engagement, that could play a vital role in the city's future. The beautiful landscape at Cuyahoga and the irreplaceable factory buildings at Dayton are the infrastructure for these economic engines, and investments through LWCF have been and will continue to be crucial to that infrastructure.

Meanwhile, these and other parks face another infrastructure crisis, with roads and facilities in desperate need of repair and rehab. It's really two sides of the coin: to do right by visitors to our parks and the communities that depend on them, we need to fix what's broken in our parks and secure the inholdings that are essential to the natural or historic reasons people visit in the first place.

Mr. Connor, can you comment on the connection between maintenance and acquisition needs in the Parks, and how your Department plans to address both, as I believe we must?

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Response: We agree we must do both: address the most urgent needs for recreation, species and habitat conservation, and the preservation of landscapes and historic and cultural resources while we address the deferred maintenance backlog.

The LWCF protects, with land acquisition, conservation and recreation resources for the benefit of the American public – from national parks, forests, and wildlife refuges to local playgrounds and historic areas. But the LWCF is not a substitute for adequate annual appropriations to support the operations of the federal land management agencies, including their operations and maintenance requirements. The FY 2016 budget request includes a significant commitment to address the deferred maintenance backlog and requests additional cyclic maintenance to keep the repaired assets in good condition.

Question 15: Can you please describe for me the Bureau of Land Management's role in permitting conventional and unconventional oil and natural gas production in Ohio's, Wayne National Forest prior to issuance of the agency's new fracking rule. How will BLM's role change now that the fracking rule is final?

Response: The BLM manages only the federal mineral estate on the Wayne National Forest. The overall ownership of mineral estate on the Wayne National Forest is highly complex. More than half of the mineral estate on the Wayne National Forest is privately owned, which means the oil and gas regulations of the State of Ohio apply to those minerals and the BLM has no role in the permitting and regulation of those wells. The new hydraulic fracturing rule would not apply to private mineral estate.

As for the remaining mineral estate, that which is federally-managed, federal rules and regulations currently, and would continue to, apply. These federal rules and regulations would include the new hydraulic fracturing rule after the effective date.

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Questions from Senator John Barrasso

Question 16: Mr. Connor, Secretary Jewell often talks about the importance of taking a landscape-scale approach to ecosystem health and watersheds. In your testimony you also talked about the importance of being able to acquire private inholdings within exterior federal land boundaries.

Do you believe the over 18 million acres of state parks and forests, recreation sites, and natural areas should be treated as an integral part of the overall landscape? Should states have the resources to address the needs of their parks and forests and to acquire private inholdings from willing sellers within the exterior boundaries of state parks and forests?

Response: State parks and forests, recreation sites, and natural areas should be treated as an integral part of the overall landscape; but we cannot comment on how the States spend their resources. Through the LWCF, the Administration provides States with funding for parks and recreation facilities through grants that require a fifty percent match. In order to apply for the grants, the State must have a statewide recreation plan and must maintain the assisted area or facility.

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Question from Senator Al Franken

Question 17: Conservation investments play an important role in improving public access to federal lands for recreational purposes, such as hunting and fishing. But conservation is also essential for maintaining the natural system, and for helping to mitigate the impacts of climate change. For example, the Northwoods of Minnesota help to reduce the impacts of climate change by capturing and storing a significant amount of carbon, while protecting the water quality of some of our nation's greatest rivers and lakes. When choosing which land acquisition projects to prioritize for conservation, do the four land management agencies consider the potential for carbon capture and climate change mitigation?

Response: The Administration has identified land conservation as an important tool for climate change mitigation, and using land conservation to increase carbon storage is part of the President's Climate Action Plan, which notes that "conservation and sustainable management can help to ensure our forests continue to remove carbon from the atmosphere while also improving soil and water quality, reducing wildfire risk, and otherwise managing forests to be more resilient in the face of climate change."

Developing a greater understanding of climate change vulnerability and biological carbon sequestration is of increasing importance for Interior agencies. In the FY16 President's Budget Request, FWS requested an increase of \$500,000 to support the development of decision support tools for land managers and other users: "The Service recognizes the importance of considering carbon sequestration values in the protection and management of its lands, and is continually looking for data and tools to assist its land acquisition, management, and restoration practices. The US Geological Survey Biologic Carbon Sequestration Assessment (LandCarbon Project) has identified lands with high carbon sequestration capacity and the potential for future climate change, wildfire, land use change, and land management activities to modify that capacity. Using LandCarbon data products and maps, the Service will develop and test tools and guidelines that can be used to identify the lands with the greatest current or potential carbon stocks and/or sequestration values for projects supporting: (1) restoration and acquisition activities in the National Wildlife Refuge System, such as the Neal Smith National Wildlife Refuge and other lands in Iowa, and (2) ecological restorations associated with Natural Resource Damage Assessment settlements and with restoration work conducted through Habitat Conservation programs. These tools and guidelines will help the Service choose the highest-priority lands for conservation or restoration by including biological carbon sequestration in the suite of factors used for conservation priority-setting."

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Questions from Senator Mazie Hirono

Question 18: Fate of Landscape Proposals

The FY 2016 President's Budget request includes a substantial amount of LWCF funding for the Island Forests at Risk Collaborative Landscape Proposal. Portions of this landscape proposal, which seeks to purchase lands in Hawaii, are the number one priority in both the National Park Service's and US Fish and Wildlife Service's land acquisition budgets. These agencies have identified acquisition needs at Hawaii Volcanoes National Park and Hakalau Forest National Wildlife Refuge totaling 45,760 acres and \$38 million.

If LWCF were fully funded at \$900 million these projects could be completed. Based on historic funding levels, however, it is likely that Congress will appropriate much less, leaving a considerable number of unfunded federal needs in my state and across the country. Can you speak on the importance of having a dedicated and fully funded Land and Water Conservation Fund to address these needs now and in the future?

Response: Over its 50-year history, the LWCF has protected conservation and recreation lands in every State and supported tens of thousands of State and local projects. The authority for LWCF expires on September 30, 2015, at which time revenues will cease to be deposited in the LWCF unless Congress reauthorizes the program.

The President's FY2016 budget includes a request to permanently authorize annual funding from the LWCF, without further appropriation or fiscal year limitation. This proposal, if enacted, would provide \$900 million annually in permanent funds starting in 2017, and would ensure that agencies and partners will be able to engage in multi-year planning required for large-scale conservation and effective collaboration with local communities, such as the projects you note in Hawaii. Enactment of the Administration's FY2016 LWCF request would support broad collaboration around locally driven priorities and provide more efficient and coordinated ways of investing in, restoring, and managing the country's natural and cultural resources.

Question 19: National Park Service Funding

It is my understanding that out of the government's entire budget, the National Park Service has recently received roughly one-fifteenth of one percent of that budget. That is 0.0007% of the entire federal budget to pay 22,000 individuals to protect and maintain 84 million acres and provide a pleasant experience for almost 300 million visitors each year.

Given the small budget that the Park Service has to work with, they have an estimated maintenance backlog of around \$11.5 billion. Can you comment on how much land acquisitions funded by the LWCF have contributed to this maintenance backlog? What

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would the maintenance backlog look like if Congress were to adequately fund the National Park Service and address critical transportation legislation?

Response: The United States has a significant investment in federal lands within National Park System boundaries that has accrued over time. These lands need to continue to be protected and preserved in order to maintain the current investment. Acquiring inholdings from willing sellers helps maintain the integrity of the lands where there is already a federal investment and protects them from harms that would result from incompatible uses on adjacent lands.

The majority of land acquired within NPS boundaries is unimproved, with no improvements planned. In those cases, no increase in the maintenance backlog is associated with the acquisition. In some instances, land acquisition will require future maintenance for portions of trails to increase public access, for upkeep of historic structures, or for eradication of invasive species. These instances are relatively rare. In the FY2016 NPS request, only 11 of the 40 line-item land acquisition requests anticipate outyear costs for operations and maintenance of the lands, while 9 project savings and 20 are neutral.

Question 20: State Involvement

One of the arguments used in support of reforming the LWCF is that state agencies and local stakeholders are best at identifying what local constituents want and need for outdoor recreation and that more LWCF funds should be allocated to the Stateside Grant Program.

Can you speak a little bit on the number and variety of partners involved in planning and development of LWCF proposals? Are there instances when state agencies have not played a significant role in working with the federal agencies to identify and prioritize projects?

Response: Over its 50-year history, the LWCF has protected conservation and recreation lands in every State and supported tens of thousands of State and local projects. The President's FY2016 budget includes funding for Collaborative Landscape Projects, which are developed cooperatively with local communities to address specific conservation priorities identified through a collaborative process conducted by land management agencies. The Administration's FY2016 LWCF request would support broad collaboration around locally driven priorities and provide more efficient and coordinated ways of investing in, restoring, and managing the country's natural and cultural resources.

The Administration's Budget has consistently proposed -- and Congress has consistently provided -- a balance among federal and state conservation under LWCF. Over the last 10 years, state grants have averaged well over 40% of total

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LWCF appropriations, and the President's FY2016 discretionary budget maintains that exact same balance.

The projects funded through those various state grant programs all have been requested by the states, on their own behalf or on behalf of localities. LWCF Stateside assistance is community- and state-driven, and so are DOI's Cooperative Endangered Species grants and USDA's Forest Legacy Program.

Federal LWCF

Bureau Details

(\$000's)

		2006		2007		2008		2009		2010		2011		2012		2012		2013		2014		2015	
		Acres	Enacted	Acres	Enacted	Acres	Enacted	Acres	Enacted	Acres	Enacted	Enacted		Enacted	Acres	Reprogram/ Revised Funding	Enacted	Enacted	Acres	Enacted	Acres	Enacted	
State																							
Bureau of Land Management																							
BLM LWCF ACQUISITION TOTAL			8,622		8,634		8,939		14,775		29,650		21,956		22,344		22,344		21,175		19,463		19,746
Acq. Mgt/ Land Exchange Processing			2,266		1,569		1,673		1,850		2,000		1,875		1877		1,877		1,420		1,898		1,904
Emergency/Inholdings			985		1,000		1,477		1,500		3,000		1,497		1498		1,498		1,778		1,616		1,616
Sportsmen/Recreational Access																			1,841				2,000
Line-Item Projects			5,371		6,065		5,789		11,425		24,650		18,584		18,969		18,969		16,136		15,949		14,226
Offsetting Collections																							
Line-Item Projects	State	2622	5,371	5,367	6,065		5,790		11,425		24,650		18,584		18,969		18,969		16,136		15,949		14,226
Ironwood Forest NM	AZ																	459	800				
Big Morongo Canyon Area of Critical Environmental Concern	CA																						
California Wilderness	CA			1,537	615	492 ¹	492			2,850	1,500	595	1,800					620 ¹	500	12,235	6,702	4285	1,720
California Coastal NM	CA																	407	4,500	23	2,000		
Carrizo Plain NM	CA											1680 ¹	1,300					408 ¹	408				
Coachella Fringe-Toed Lizard ACEC	CA			150	500	320	394																
Johnsons Canyon ACEC	CA									480	1,500												
King Range NCA	CA									395	2,000												
Lacks Creek ACEC	CA									500	750												
Pacific Crest National Scenic Trail	CA																				360	950	
San Felipe/San Sebastian Marsh ACEC	CA																				1986	982	
Santa Rosa & San Jacinto National Monument	CA	UN	493					UN	1,300	UN	500	160	500	1,198	160	1,198			1,040	1,124	197	1,000	
Trinity National Wild and Scenic River	CA													2,296	28 ¹	1,798							
Upper Sacramento River ACEC	CA					133 ¹	1,231	UN	2,200	514	2,800				UN	500							
Arkansas River SRMA	CO							131 ¹	2,200														
Canyons of the Ancient NM	CO											714 ¹	1,000							1,562	1,703	440	1,200
Dominguez-Escalante NCA	CO																	160	280				
Gunnison Gorge NCA	CO					552	843							3,493	243 ¹	3,493							
Nez Perce National Historic Trail/Henrys Lake ACEC	ID																				3,000	3,000	
Snake River Rim Recreation Area/Oregon National Historic Trail	ID							UN	500			2980 ¹	2,400										
Upper Snake/South Fork Snake River ACEC/SMRA	ID	925	1,478	400	1,500	530	1,231							5,990	3,045	5,990					380	1,000	
Blackfoot River SRMA	MT			1,280	1,000	630 ¹	492			3,502	4,500							4,620	5,572	3,680	2,600		
Chain-of-Lakes RMA/Lewis and Clark NHT	MT											835 ¹	717										
Lewis and Clark NH Trail/Nez Perce NHT/Upper Missouri	MT			2,000	1,250																	2,385	1,032
National Wild and Scenic River																							
Meeteetse Spires ACEC	MT							223	1,000	337	1,500												
El Malpais National Conservation Area	NM					200	246																
La Cienegaga ACEC / El Camino Real De Tierra Adento	NM									280	3,000												
NHT																							
Lesser Prairie Chicken Habitat ACEC	NM									2,555	1,500	1,383 ¹	750										
Cascade-Siskiyou National Monument	OR					771 ¹	861	UN	875	900	1,000	2,435 ¹	3,393	5,990	4,080	5,990		40	76				

Federal LWCF
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(\$000's)

	State	2006		2007		2008		2009		2010		2011		2012		2012		2013		2014		2015	
		Acres	Enacted	Acres	Enacted	Acres	Enacted	Acres	Enacted	Acres	Enacted	Enacted		Enacted	Acres	Reprogram/ Revised Funding	Acres	Enacted	Acres	Enacted	Acres	Enacted	
Crooked NWSR	OR																						
Grande Ronde National Wild and Scenic River	OR																						
John Day National Wild and Scenic River	OR																				365	600	
Oregon National Wild and Scenic Rivers/North Fork	OR	662	641																				
Owyhee NWSR	OR																						
Pacific Crest National Scenic Trail	OR																				271	542	
Sandy River/Oregon National Historic Trail	OR	535	1,577					135 ¹	1,350	48	2,100	245	1,500								100	1,000	
Grand Staircase-Escalante NM	UT												700										
Red Cliffs NCA	UT																4,000						
Craig Thomas Little Mountain SMA	WY										2,000												
Colorado River SMRA	UT	500	1,182	250	500																		
North Platte River SRMA	WY			283	700							377	2,700								148	1,200	

¹: Indicates that this is a cost per acre calculation. The enacted budget was either more, or less, than requested in the President's budget. Cost per acre was determined by the numbers reported in the President's budget, then extrapolated to the enacted amount.

UN: Indicates that this funding was not specifically requested in the President's budget, so enacted acres cannot be determined.

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		2006		2007		2008		2009		2010		2011		2012		2012		2013		2014		2015	
		Acres	Enacted	Acres	Enacted	Acres	Enacted	Acres	Enacted	Acres	Enacted	Enacted	Enacted	Acres	Reprogram/ Revised Funding	Acres	Enacted	Acres	Enacted	Acres	Enacted		
Fish and Wildlife Service																							
FWS LWCF ACQUISITION TOTAL			27,990		28,046		34,596		42,455		86,340		54,890		54,632		54,632		51,775		54,422		47,535
Land Acquisition Management			10,063		9,933		9,490		9,640		12,555		12,530		12,535		12,535		12,865		10,500		12,613
Inholdings, Emergencies and Hardships			2,956		2,978		2,953		3,000		5,000		4,990		4,492		4,492		4,257		7,351		5,351
Exchanges			1,478		1,485		1,477		1,500		2,000		1,996		2,496		2,496		2,365		1,500		1,500
Line-Item Projects*			14,971		13,650		20,676		29,315		66,785		35,374		35,109		35,109		32,288		35,071		28,071
Sportsmen/Recreational Access																							
Delayed Project Savings			-1,478						-1,000														
Line-Item Projects			14,971		13,650		20,678		29,315		66,785		35,374		35,109		35,109		32,288		35,071		28,071
Alaska Maritime NWR	AK	355	394					1,145	400	1,100	300			399	151	99							
Togiak NWR	AK	N/A	295							862	325												
Yukon Delta NWR	AK					480	394			2,173	365			499									
Yukon Flats NWR	AK			N/A**	495																		
Bon Secour NWR	AL									40	500												
Cahaba River NWR	AL	110	415																				
Cache River NWR	AR	493	797		370	495								4,243	1,657	4,143					523	1,071	
Leslie Canyon NWR	AZ				2,040	300				3,335	500												
Grasslands WMA	CA									473	1,000	564	1,369		473	1,000	247	1,000					
San Diego NWR	CA									20	385										100	5,000	
San Joaquin River NWR	CA	65	443					132	900	2,213	2,000	166	2,000	3,994	360	2,994	167	1,000					
Stewart McKinney National Wildlife Refuge	CT					20	699			N/A****	2,000												
Silvio O. Conte NWR	CT, MA, NH VT	20	640			202	1,969	1,600	3,815	665	2,500	865	2,308	6,490	812	6,490	1,041	1,500			779	2,000	
Highlands Conservation	CT, NJ, NY, PA			N/A*	1,980	N/A*	1,723	N/A*	1,500	N/A*	4,000			4,992	N/A*	4,992	N/A***	123		N/A*		3,000	
Prime Hook NWR	DE	16	246							108	1,000												
Crystal River NWR	FL							57	1,500	N/A	1,500												
Everglades Headwaters NWR/CA	FL														375	1,500	750	3,000	1,250	5000	600	3,000	
Lower Suwannee NWR	FL													998	667	998							
National Key Deer NWR	FL					51	1,028																
St. Marks NWR	FL			890	1,300					143	500	750	1,000	3,994	1,410	2,398							
St. Vincent NWR	FL																5	1,000					
Bond Swamp NWR	GA									304	1,200												
Savannah NWR	GA													1,248	100	1,248							
Longleaf Pine Okefenokee NWR	GA/FL																3,708	3,000	3,900	9,481			
James Campbell NWR	HI					147	3,938	230	7,000	222	7,400												
Driftless Area NWR	IA					112	320	66	250	119	450												
Upper Mississippi River NW&FR	IA,MN, WI							45	500	160	1,200	100	400	2,746	563	2,246	335	1,000					
Northern Tallgrass Prairie NWR	IA/MN	386	493	192	406	224	404	250	500	500	500						166	500					
Red Rock Lakes NWR	ID/MT									616	1,000	335	1,500				4,380	2,822					
Cypress Creek NWR	IL									160	500												
Patoka River NWR	IN							385	500	1,151	1,150												
Flint Hills Legacy Conservation Area	KS											2,158	1,000				3,333	1,000					
Clarks River NWR	KY	33	197			307	492	669	750	669	750												
Red River NWR	LA					492	492			666	1,000												
Tensas River NWR	LA	2,127	1,872	1,520	1,248																		
Upper Ouachita NWR	LA									200	500	1,200	3,000										
Blackwater NWR	MD					125	294	1,000	1,000	2,000	2,000	909	1,500										

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(\$000's)

	State	2006		2007		2008		2009		2010		2011		2012		2012		2013		2014		2015	
		Acres	Enacted	Acres	Enacted	Acres	Enacted	Acres	Enacted	Acres	Enacted	Enacted	Enacted	Enacted	Enacted	Acres	Reprogram/ Revised Funding	Acres	Enacted	Acres	Enacted	Acres	Enacted
Maine Coastal Islands NWR	ME									71	1,000												
Rachel Carson NWR	ME	37	591							93	3,000												
Big Muddy NF&WR	MO									75	300												
Panther Swamp NWR	MS									256	500												
Blackfoot Valley CA	MT																	7,500	4,825	8,750	4680		
Rocky Mountain Front CA	MT	2,676	985	6,500	1,980			2,220	1,000	8,157	3,750	11,777	5,300			3,333	1,500	7,800	5,018	13,124	7,260	5,277	2,000
Bear River Watershed Conservation Area (ID/UT/WY)	Multi																						
Alligator River NWR	NC																						
North Dakota WMA	ND									5,714	1,000	5,714	1,000										
Dakota Grassland CA	ND,SD					1,666	320									4,160	1,000	10,333	2,500	23,053	8,650	15,555	7,000
Dakota Tallgrass Prairie NWR	ND,SD	2,465	493					1,250	500	2,220	1,000	2,222	1,000					1,020	500			6,122	3,000
Rainwater Basin Wetlands Management District	NE							160	500	160	500												
Umbagog NWR	NH	789	493					641	1,000	641	1,000	2,240	2,240										
Cape May NWR	NJ					7	492			56	2,000												
Edwin B. Forsythe NWR	NJ	96	296							28	1,100	10	250										
Great Swamp NWR	NJ					230	1,181	146	750	194	1,000												
Supawana Meadows NWR	NJ							24	1,500														
Wallkill NWR	NJ									250	1,400												
Sevilleta NWR	NM									20	500												
Valley de Oro NWR (vice Middle Rio Grande NWR)	NM															570	1,258	100	1,500				
Nestucca Bay NWR	OR									120	1,000												
Upper Klamath	OR	878	1,971	1,362	3,475																		
Cherry Valley NWR	PA									127	750												
John H. Chafee NWR	RI							10	700	13	900												
Rhode Island Refuge Complex	RI	13	517			74	492																
Ernest F. Hollings ACE Basin NWR	SC									122	500			749	193	249							
Waccamaw NWR	SC									257	600	434	1,250	998	500	998							
Chickasaw NWR	TN									239	500												
Balcones Canyonlands NWR	TX	161	493			142	271			340	1,000	187	500										
Laguna Atascosa NWR	TX	2,201	394							447	500			1,198	0								
Lower Rio Grande Valley NWR	TX	788	788			422	492	143	500	410	1,000	841	1,500	2,561	1,167	1,996							
Neches River NWR	TX												2,150					640	1,000				
San Bernard NWR-Austin's Woods Unit	TX									500	1,250	1,001	2,172										
Trinity River NWR	TX																						
Bear River MBR	UT									434	1,300	533	1,600										
Back Bay NWR	VA					90	497			27	545												
Eastern Shore of Virginia NWR	VA	152	1,971	26	1,971	22	1,575																
Great Dismal Swamp NWR	VA									18	500												
James River NWR	VA					63	1,575			125	1,000												
Rappahannock River NWR	VA					165	453	180	1,500	150	500	200	1,000									148	2,000
Nisqually NWR	WA									36	500							208	1,000				
Turnbull NWR	WA									900	1,500												
Willapa NWR	WA									180	750												
Canaan Valley NWR	WV	70	187			545	1,477	830	2,250			350	950										
Ohio River Islands NWR	WV							15	500														

*Highlands Conservation is a matching grant program and acreage is not projected in advance.

**Yukon Flats NWR \$495,000 appropriated for EIS.

***Grant administrative expenses for Highlands Conservation.

****SB McKinney funds reprogrammed to Umbagog NWR in FY 2012. Tract was acquired with Atlantic Coast Joint Venture Grant funds; no other tracts were available. At Umbagog NWR,

1,950 acres were acquired with the reprogrammed funds.

Federal LWCF

Bureau Details (\$000's)

		2006		2007		2008		2009		2010		2011		2012		2012		2013		2014		2015	
		Acres	Enacted	Acres	Enacted	Acres	Enacted	Acres	Enacted	Acres	Enacted	Enacted	Enacted	Acres	Reprogram/ Revised Funding	Acres	Enacted	Acres	Enacted	Acres	Enacted	Acres	Enacted
National Park Service																							
NPS LWCF ACQUISITION TOTAL			34,395		34,402		44,367		45,190		86,266		54,890		56,969		56,969		53,989		50,010		50,843
Acquisition Administration			9,605		9,786		9,352		9,250		9,500		7,134		9,485		9,485		8,989		9,500		9,526
Emergency/Hardships			2,463		2,541		2,461		2,500		3,000		1,007		2,995		2,995		2,838		3,093		3,928
Inholdings/Exchanges			2,463		2,540		2,461		2,500		5,000		5,000		4,992		4,992		4,731		6,364		4,928
American Battlefield Grants													8,982		8,986		8,986		8,516		8,986		8,986
Line-Item Projects			29,633		19,535		30,093		33,440		68,766		32,767		30,511		30,511		28,915		22,067		23,475
Recreational Access																							
Cancellation of Prior-Year Balances			-9,769						-2,500														
Line-Item Projects			29,633		19,535		30,094		33,440		68,766		32,767		30,511		30,511		28,915		22,067		23,475
Alaska Region	AK												0										
Wrangell-St. Elias National Park and Preserve	AK	378	739																				
Little River Canyon National Preserve	AL									80	1,500												
Fort Smith National Historic Site	AR, OK									3	362												
Petrified Forest National Park	AZ			Pre-Acq	135					28,308	4,575	24,000	5,100				26,495	5,000					
Golden Gate National Recreation Area	CA	15	517			356	1,969	1,000	4,000	1,500	5,000	1,000	4,100										
Mojave, Joshua Tree NP, Death Valley NP	CA									Pre-Acq	1,000	584	867						2,800	2,278	2,063	2,011	
Pinnacles National Monument	CA	1,001	2,956																				
Redwood NP	CA																				158	6,250	
Santa Monica Mountains NRA	CA									115	1,000	66	880				193	1,977					
Whiskeytown NRA	CA							1	460														
Mesa Verde NP	CO					325	1,575																
Big Cypress National Preserve	FL													5,551	43,000	5,551							
Everglades National Park	FL													24,960	477	24,960							
Timucuan Ecological and Historic Preserve	FL																		262	2,031			
Chattahoochee River National Recreation Area	GA					31	1,969			21	3,100												
Ala Kahakai National Trail	HI																				59	2,000	
Haleakala National Park	HI	3,937	3,645																				
Minidoka National Historic Site	ID							128	350	17	350												
Indiana Dunes National Lakeshore	IN					150	1,477																
Cumberland Gap NHP	KY			950	900	910	1,870	1,268	1,150	904	1,150												
Cape Cod National Seashore	MA			33	2,000	24	1,969	10	1,750														
New England National Scenic Trail	MA																				8	247	
Catoctin Mountain Park	MD											18	640										
Piscataway Park	MD	73	690																				
Acadia NP	ME			90	900	51	591	27	750			23	1,700										
North Country National Scenic Trail	MI																				143	519	
Sleeping Bear Dunes National Lakeshore	MI	59	5,222			1	345	60	500	100	1,000							37	5,269				
Voyageurs NP	MN											3	315										
Harry S Truman National Historic Site	MO									1	1,300												
Wilson's Creek National Battlefield	MO	210	1,182			41	443													79	900		
Gulf Islands NS - Cat Island*	MS					0	1,969																
Natchez National Historical Park	MS									1	264												
Glacier NP	MT																	114	1,200	2	1,030		
Civil War Battlefield Sites (Grants)	Multi	0	2,956	0	4,000	0	2,953	0	4,000	0	9,000												

Federal LWCF

Bureau Details

(\$000's)

	State	2006		2007		2008		2009		2010		2011		2012		2012		2013		2014		2015	
		Acres	Enacted	Acres	Enacted	Acres	Enacted	Acres	Enacted	Acres	Enacted	Enacted	Enacted	Enacted	Enacted	Acres	Reprogram/ Revised Funding	Acres	Enacted	Acres	Enacted	Acres	Enacted
Civil War Sesquicentennial Units	Multi																	200	5,000	826	5,500		
National Rivers and Trail	Multi																	Pre-Acq and 37	4,000				
Guilford Courthouse National Military Park	NC							4	828	4	880												
Appalachian National Scenic Trail	NH							389	1,375	4,777	1,375											173	2,251
Delaware Water Gap NRA	NJ							95	1,000														
El Malpais National Monument	NM							320	150													47	1,205
Pecos NHP	NM																						
Petroglyph National Monument	NM									2	1,000												
Home of Franklin D. Roosevelt NHS	NY											2	1,250										
Cuyahoga Valley NP	OH			2	300					233	4,000	330	5,400										
Lewis and Clark National Historical Park	OR	160	1,576																				
Appalachian National Scenic Trail	PA									1,050	1,820												
Flight 93 National Memorial	PA			1,656	5,000	1,656	4,922																
Gettysburg National Military Park	PA							80	2,215													96	376
Congaree National Park	SC							837	2,690	410	1,320			436	1,400					355	1,428		
Wind Cave NP	SD													5,555	8,315								
Chickamauga-Chattanooga NMP	TN	145	1,774	148	1,000	148	1,792																
Great Smokey Mountains NP	TN			Pre-Acq	250																		
Shiloh NMP	TN									Pre-Acq	250												
Big Thicket National Preserve	TX	1,000	1,971	609	2,000	634	1,231	513	1,000	2,803	5,000												
Fort Davis NHS	TX									41	500												
Palo Alto Battlefield National Historic Site	TX									1,354	4,120												
San Antonio Missions NHP	TX																			40	1,760		
Blue Ridge Parkway	NC, VA									163	1,250												
Captain John Smith NHT	VA																					173	4,000
Shenandoah Valley Battlefield National Historic District (Grants)	VA	0	985			0	984	0	1,985														
Fredericksburg & Spotsylvania County Battlefields NMP	VA									9	200	23	500									80	1,519
Prince William Forest Park	VA									8	425												
Virgin Islands National Park	VI							50	2,250	93	3,250	55	2,300					74	2,738	3	2,771		
Appalachian National Scenic Trail	VT									996	625											81	533
Ebey's Landing NHR	WA					38	492																
Gateway	WA						1,181																
Lake Chelan NRA	WA							9	900														
Lewis and Clark National Historical Park	WA			267	2,500																		
Mount Rainier National Park	WA					276		168	1,807	164	2,150							226	1,000				
Olympic National Park	WA									2	3,000												
San Juan Island National Historical Park	WA									312	6,000												
Ice Age NST*	WI	0	985			0	1,378	0	1,000	0	2,000											110	1,664
Gauley River NRA	WV	88	493	89	550	338	492	30	780														
Harper's Ferry NHD	WV	71	1,971					8	2,000														
New River Gorge National River	WV	761	1,971			440	492	442	500														
Grand Teton NP	WY																	86	8,000				

*In fiscal years 2006 through 2010, funding for Ice Age NST was appropriated for grants. In fiscal year 2008, funding for Gulf Island NS - Cat Island was appropriated for grants.

Consolidated Appraisal Services

7,406	7,398	[7,670]	[8,012]	12,136	12,112	12,692	12,692	12,770	12,168	12,000
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Federal LWCF
Bureau Details
(\$000's)

	2006		2007		2008		2009		2010		2011	2012	2012	2013		2014		2015			
	State	Acres Enacted	Acres Enacted	Acres Enacted	Acres Enacted	Acres Enacted	Acres Enacted	Acres Enacted	Enacted	Enacted	Enacted	Acres	Reprogram/ Revised Funding	Acres	Enacted	Acres	Enacted	Acres	Enacted		
Total, DOI Federal Land Acquisition		78,413		78,480		87,902		102,420		214,392		143,848	146,637		146,637		139,709		136,063		130,124



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

AUG 24 2015

The Honorable Tom McClintock
Chairman
Subcommittee on Federal Lands
Committee on Natural Resources
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Enclosed are responses prepared by the U.S. Fish and Wildlife Service to questions submitted following the Subcommittee's March 19, 2015 oversight hearing on *"Examining the Spending Priorities and Missions of the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration in the President's FY 2016 Budget Proposal."*

Thank you for the opportunity to provide this material to the Subcommittee.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and Legislative Affairs

Enclosure

cc: The Honorable Niki Tsongas
Ranking Member

Committee on Natural Resources
Subcommittee on Federal Lands
Subcommittee on Water, Power and Oceans
1334 Longworth House Office Building
Thursday, March 19, 2015
9:30 AM

Oversight hearing on:

"Examining the Spending Priorities and Missions of the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration in the President's FY 2016 Budget Proposal"

PANEL (1): Director Ashe – U.S. Fish and Wildlife Service

Questions from the Subcommittee on Federal Lands

National Wildlife Refuge System

1. What is the total operations and maintenance backlog currently facing the Service?

Response: As of October 1, 2014, the deferred maintenance backlog for the Service is approximately \$1.45 billion including \$1.28 billion for the National Wildlife Refuge System (NWRS) and \$174 million for the National Fish Hatchery System (NFHS).

The Service does not identify an operations backlog, but instead prioritizes spending in alignment with overall strategic goals, addressing the highest priority operations and maintenance needs to maintain quality habitat for wildlife and safe access and recreation for over 47 million visitors each year.

2. What is the total maintenance *and* operations backlog within the National Wildlife Refuge System (NWRS)?

Response: The deferred maintenance backlog for the National Wildlife Refuge System is \$1.28 billion as of October 1, 2014.

The operations need of the Refuge System at the end of FY 2014 was 5,598 projects totaling nearly \$735 million (Actual= \$734,524,900). This need consists of 430 permanent full-time Refuge System employees lost since 2011 and projects identified in the Refuge Operating Needs System (RONS). RONS catalogs funding needs for activities normally funded within the Refuge Operations Budget plus staffing in the Refuge Maintenance Budget.

3. The National Wildlife Refuge System Improvement Act of 1997 required that a Comprehensive Conservation Plan (CCP) be completed for each appropriate refuge by the end of 2012. How many refuges still have not yet finalized a CCP? Please provide the Subcommittee with a detailed list of those non-complying refuges.

Response: There were 551 units of the refuge system, including wetland management districts, at the time of the passage of the National Wildlife Refuge System Improvement Act of 1997 (Act). Since then, Congress mandated that the Service also complete CCPs for three newly established field stations before the 2012 deadline. As of August 2015, 53 of the 554 CCPs required have not been completed and are listed below.

Region (total)	Station Name
1 (11)	Camas NWR
	Cold Springs NWR
	Grays Harbor NWR
	Grays Lake NWR
	Hanalei NWR
	Huleia NWR
	Johnston Atoll NWR
	Kilauea Point NWR
	McKay Creek NWR
	Minidoka NWR
	Toppenish NWR
Region (total)	Station Name
2 (3)	Bosque del Apache NWR
	Little Sandy NWR
	Sequoyah NWR
Region (total)	Station Name
4 (1)	Crystal River NWR
Region (total)	Station Name
5 (11)	Bombay Hook NWR
	Erie NWR
	Mashpee NWR
	Massasoit NWR
	Monomoy NWR
	Moosehorn NWR
	Parker River NWR
	Plum Tree Island NWR
	Silvio O. Conte NF&WR
	Stewart B. McKinney NWR
	Thacher Island NWR

Region (total)	Station Name
6 (10)	Charles M Russell WMD
	Halibut NWR
	Halfbreed Lake NWR
	Lake Mason NWR
	National Bison Range
	National Elk Refuge
	Nine-pipe NWR
	Northwest Montana WMD
	Pablo NWR
	War Horse NWR
Region (total)	Station Name
7 (4)	Alaska Maritime NWR
	Izembek NWR
	Yukon Delta NWR

	<i>Yukon Flats NWR</i>
Region (total)	Station Name
8 (13)	<i>Butte Sink WMA</i>
	<i>Clear Lake NWR</i>
	<i>Grasslands WMA</i>
	<i>Lower Klamath NWR</i>
	<i>Merced NWR</i>
	<i>North Central Valley WMA</i>
	<i>Ruby Lake NWR</i>
	<i>San Diego NWR</i>
	<i>San Luis NWR</i>
	<i>Tule Lake NWR</i>
	<i>Willow Creek-Lurline WMA</i>
	<i>Bear Valley NWR</i>
	<i>Upper Klamath NWR</i>

4. When will CCPs be completed for all covered refuges?

Response: Pending appropriations, CCPs for all covered refuges should be initiated by 2017.

5. What is the total cost to complete CCPs for the entire refuge system?

Response: The cost to complete a CCP ranges from \$300,000 to \$1 million depending on the complexity and/or size of the unit. It is not possible to compute an exact cost as completing CCPs is a multiple-year process that is dependent upon total amounts appropriated by Congress each year.

6. What is the average cost of developing and publishing an individual CCP?

Response: The estimated cost to develop and publish a CCP ranges from \$300,000-\$1,000,000, depending on the complexity and/or size of the unit.

7. In 2014, the Service published an advanced notice of proposed rulemaking regarding potential regulatory options for management of activities associated with non-federal oil and natural gas development within the National Wildlife Refuge System. What is the timeframe associated with the promulgation of these regulations?

Response: Typically the promulgation of regulations ranges from two to three years, depending on the complexity of issues identified during public scoping. We anticipate publishing the proposed rule and its supporting documents in 2015.

Multi-District Litigation (MDL) Settlement Agreement

1. What is the status of the Service's 2011 Multi-District litigation settlement agreement with the Center for Biological Diversity and WildEarth Guardians? Please detail how many and which of the covered species are now listed under the ESA (and whether they have been listed as threatened or endangered); which species were found not to warrant

protection under the ESA; which species are now being considered for listing; and which ones are still found on the Candidate List.

Response: As of August 10, 2015, the Service had addressed the status of 167 of the 251 candidate species at issue – 121 species have been added to the list, 10 species are currently proposed for listing, and 36 species have been found to not warrant listing. The Service is currently considering the status of 53 of the candidate species. Therefore, by the end of FY 2015, the Service anticipates that it will have made listing determinations or not-warranted findings for a cumulative total of 220 species. During FY 2016, the Service expects to complete proposed listing determinations or not-warranted findings for the remaining 31 species identified in the settlement agreement. In advance of working through the rulemaking process, the Service cannot speculate on how many of the remaining species will ultimately be listed as threatened or endangered. The Service is making final listing determinations in accordance with the statutory deadlines.

The agreement also contained commitments to make a number of initial petition findings. Those actions were completed in FY 2011 and FY 2012.

2. How much has been requested specifically for listing activities stemming from the 2011 multi-district litigation (MDL) settlement agreement for FY 2016?

Response: The Service has requested a total of \$23,002,000 for the endangered species listing program in FY 2016. Of that, up to \$4,605,000 would be available for designation of critical habitat for already listed species, up to \$1,504,000 for foreign listings, up to \$1,501,000 for responding to petitions, leaving at least \$15,392,000 to be available for domestic listings and various program management functions. Funding for the listing component in FY 2016 will be used to complete proposed rules for the remaining species included in the MDL agreements, as well as completing final rules for those species already proposed.

De-listing and Downlisting Actions

1. How many five year reviews of listed species has the Service budgeted for FY 2016, and what is the estimated total cost for conducting those reviews?

Response: The Service conducts five year reviews in every fiscal year, but the number of reviews completed varies based on workload and priorities. Recovery planning, implementation and monitoring, as well as proposed and final downlisting and delisting rules are funded with the same budget and in some years may take priority over 5-year reviews. We do not budget for that activity separately and thus have not developed an estimate of the number of reviews or total cost for this particular activity.

2. How many potential delistings and downlistings has the Service budgeted for in FY 2016, and what is the estimated total cost for those actions?

Response: The Service encourages delisting and down-listing species whenever feasible. We are working to address this need in a timely manner. During the period 2009-2015, the Service delisted 11 species and down-listed another 8 species due to recovery. The Service currently has 27 delisting or down-listing actions under development; 16 of these are final actions, 11 are new proposed actions. We anticipate that we will complete 6-8 proposed or final delisting or down-listing rules in FY 2015, and 8-11 proposed or final rules in FY 2016 with existing resources. The cost of an individual delisting or down-listing action varies considerably depending on a variety of factors, including how wide-spread the species is and how many threats need to be evaluated. The pace at which delistings and down-listings occur is dependent largely on the resources available and complexity of the individual action. If we were to receive an increase of \$1 Million in FY 2016 for delisting and down-listing actions, we estimate that we could initiate an additional 5-6 proposed rules; similarly if we receive an increase of \$2 Million in FY 2016, we estimate that we could initiate or finalize an additional 10-12 delisting or down-listing rules in FY 2016.

3. According to the Service's FY 2016 budget justification, approximately 60 species have been identified for potential delisting or downlisting based upon recent five-year reviews. Why haven't those de-listings and downlisting actions taken place and when will they occur?

Response: The Service proposes to dedicate up to \$2 Million of the proposed increase within Conservation and Restoration for delisting or downlisting rulemakings in FY 2016 if the President's Request is fully funded. This would result in an estimated additional 10-12 delisting or downlisting rulemakings in FY 2016 and future years.

4. How does the Service define the backlog of delistings and downlistings? How much time has to pass before a potential delisting or downlisting is considered backlogged?

Response: The Service does not define the backlog of delisting and downlistings. We have identified species that could be considered for delisting and downlisting through five-year reviews, petitions, and other processes and we are working on the status reviews and associated rule makings as resources allow.

Landscape Conservation Cooperatives (LCC)

1. The LCC initiative contains an LCC Council – who decides who is appointed to this council?

Response: The composition of members of the Landscape Conservation Cooperative (LCC) Council is guided by the LCC Council Charter, which defines the size, composition and selection processes for the Council. The Council uses the guidance in the Charter to recruit and select new Council Members. The Charter was created by a diverse group of stakeholders including representatives from state fish and wildlife agencies, federal agencies, non-governmental organizations (NGOs), tribes, and LCC staff. The process of establishing the Council strategy team and creating the original Charter was led by the Udall Institute, a

neutral, third-party facilitator. The Charter has been revised by the LCC Council, which currently has representatives from state fish and wildlife agencies, tribes, federal agencies, NGOs, other partnerships, and Canada.

2. What is the process of naming people to the LCC Council and what sort of authority do they have within the LCC structure?

Response: The LCC Council is composed of 27 participants from 9 membership categories, and the recruitment/selection processes varies by membership category as described in the Charter. Membership categories and number of representatives include: 1) six federal agency directors (Bureau of Land Management, Fish and Wildlife Service, National Park Service, U.S. Forest Service, Natural Resources Conservation Service, and National Oceanic and Atmospheric Administration hold permanent seats on the Council); 2) four state agency directors nominated for rotating seats by the executive committees of each of the four respective regional fish and wildlife associations, in consultation with the Association of Fish and Wildlife Agencies; 3) three participants from federally-recognized tribes; 4) one indigenous participant; 5) four NGO participants; 6) four international seats with a minimum of one participant from Canada and one participant from Mexico; 7) one LCC representative (steering committee member or LCC staff); 8) two "Major Partnership" participants -- one from the National Fish Habitat Partnership Board and one from the Migratory Bird Joint Ventures; and 9) two "at large" members to be selected by the LCC Council from organizations and interests not currently represented on the Council (e.g. local governments, territories, commonwealths, other federal agencies, philanthropic community).

The Charter may be found at:

http://lccnetwork.org/Media/Default/Council/LCC_Council_Charter_June2014.pdf

The LCC Council has no authority over individual LCCs. The purpose of the LCC Council is to support the cooperative conservation and sustainable resource management efforts of the LCC Network, to assist the LCC Network in achieving its goals, and to contribute to building relationships and broadening partnerships. The overall goal of the Council is to add value of LCCs in partnership with the LCC Network and contribute to its effectiveness.

3. What are the total costs of administering the LCC program to date?

Response: The total cost of the Cooperative Landscape Conservation Activity from FY 2010 through FY 2015 is \$84 million.

FWS Strategic Growth Policy

1. The Service recently finalized the Strategic Growth Policy, which will guide land acquisition priorities for the National Wildlife Refuge System through a set of objectives and criteria. The Service apparently dismissed requests to include in the policy's objectives and criteria the public uses outlined in the Refuge Improvement Act of 1997, which include hunting, fishing, and wildlife viewing. By narrowing the focus, the FWS has relegated the priority public wildlife-dependent uses to a potential secondary review

only after science-based criteria are utilized for initial project approval. Why aren't science-based criteria *and* the priority public wildlife-dependent uses requested and considered in the initial review of a proposed acquisition project?

Response: In developing the Strategic Growth Policy, the Service examined the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act) and its Committee Report. The Improvement Act amended the National Wildlife Refuge System Administration Act of 1966, and it states that the Refuge System mission is to "administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats for the benefit of present and future generations of Americans." The Improvement Act requires the Service to "plan and direct the continued growth of the System in a manner that is best designed to accomplish the mission of the System...to fulfill the mission of the System, as well as the specific purposes for which [the] refuge was established."

As explained in the Committee Report for the Improvement Act, Congress intended that wildlife conservation be the primary mission of the Refuge System:

It is clearly stated that each refuge shall be managed to fulfill both the mission of the System and the individual refuge purposes. This policy serves to underscore that the fundamental mission of our Refuge System is wildlife conservation: wildlife and wildlife conservation must come first. (H.R. 1420 Committee Report [105-106], page 9).

2. Why does the Service prefer that Congressionally recognized wildlife-dependent recreational uses be relegated to secondary consideration, if at all?

Response: The Service recognizes Congress's intent to facilitate wildlife-dependent recreation, when it is found to be compatible with wildlife conservation. As stated in the Committee Report, wildlife conservation is the fundamental mission of the Refuge System, and this policy focuses our acquisition efforts. Once added to the Refuge System, all acquisitions will be analyzed, and if found compatible, will be opened to wildlife-dependent recreation.

National Wildlife Refuge Fund

1. According to the Service's FY 2016 budget justification, "[r]efuges often generate tax revenue for communities far in excess of that which was lost with Federal acquisition of the land." Please provide statistics to support this statement.

Response: In April 2012, a report entitled *Amenity Values of Proximity to National Wildlife Refuges* by Laura O. Taylor, Xiangping Liu and Timothy Hamilton (April 2012) summarized the results of a national-scale analysis to determine the effect refuges have on nearby homeowners' property values. The findings indicate that, on average, being in close proximity to a refuge increases the value of homes in urbanized areas and increases the

property tax base for the surrounding area. Specifically, homes located within 0.5 miles of a refuge and within 8 miles of an urban center are valued:

- 4% - 5% higher in the Northeast region;
- 7% - 9% higher in the Southeast region; and
- 3% - 6% higher in California/Nevada region.

Also, ecotourism draws the public to refuges to enjoy outdoor activities including, but not limited to watching and photographing wildlife, hiking, and biking. Refuge visitors pay for recreation through entrance fees, lodging near the refuge, and purchases from local businesses for items to pursue their recreational experience. This spending generates economic activity throughout the local economy.

Refuge System-wide estimated economic benefits are based upon a recent analysis conducted by the FWS' Division of Economics using the latest visitation numbers and analysis methods used in the Banking on Nature Report published in 2013

(<http://www.fws.gov/refuges/about/RefugeReports/>). According to the report, Refuge System lands have a total economic contribution of \$4.5 billion including \$2.6 billion of sales in regional economies; \$370.5 million in tax revenue at the local, county, State, and Federal level; and support 35,400 private sector jobs.

2. How much economic development is generated from NWRS lands per acre?

Response: The Service has not calculated the economic development generated on a per acre basis. The economic development generated by a given refuge is variable and affected by the local economies, refuge purposes, and public use activities among other local conditions. A majority of refuges have recreational and/or economic activities. Refuge System-wide estimated economic benefits are based upon a recent analysis conducted by the FWS' Division of Economics using the latest visitation numbers and analysis methods used in the Banking on Nature Report published in 2013

(<http://www.fws.gov/refuges/about/RefugeReports/>). According to the report Refuge System lands have a total economic contribution of \$4.5 billion including \$2.6 billion of sales in regional economies; \$370.5 million in tax revenue at the local, county, State, and Federal level; and support 35,400 private sector jobs.

3. What is the total return on investment of the NWRS, in terms of money appropriated to manage the system and revenue generated?

Response: Refuge System-wide estimated economic benefits are based upon a recent analysis conducted by the Service's Division of Economics using the latest visitation numbers and analysis methods used in the Banking on Nature Report published in 2013 (<http://www.fws.gov/refuges/about/RefugeReports/>)

	Jobs	Economic Output	Job Income	Tax Revenue
Each \$1 million Appropriated to the Refuge System System Represents	71	\$4,901,681	\$1,611,230	\$696,951

Greater Sage-Grouse (GrSG)

1. The Bureau of Land Management (BLM) and U.S. Forest Service (USFS) will finalize their land use plan amendments for GrSG over the next few months. Will the Service wait until these plans are completed with signed records of decision before making the listing determination for the species?

Response: The Service is working toward a September 2015 determination on whether the greater sage-grouse is warranted or not for listing under the ESA. In an effort to meet that deadline, the Service, together with public and private partners, is engaged in an historic, West-wide effort to conserve the greater sage-grouse and the larger sage-steppe ecosystem. The Service knows that the Bureau of Land Management and the U.S. Forest Service are working to complete their plan amendments in the time needed to make a listing determination. The Service is currently considering information from these draft plan amendments in the analysis concerning the status of the greater sage-grouse.

2. In an October 2014 memorandum to the BLM and USFS, you recommended imposing the most stringent protections on millions of acres in six Western states to protect high-value habitat. Did the Service release this memorandum to the public before or immediately after it was finalized?

Response: The Service prepared the October 27, 2014, memorandum to respond to a request by the Bureau of Land Management to identify a subset of priority greater sage-grouse habitat most vital to the species' persistence. Within those areas, we recommended that the Bureau and the U.S. Forest Service institutionalize the highest level of protection to help promote the persistence of the species. The Service did not release this memorandum to the public prior to or at the time it was transmitted to the land management agencies. It was subsequently, however, posted on a Service public web site of greater sage-grouse information.

3. Was this memorandum shared with state wildlife agencies before it was sent to BLM and USFS, and if so were those agencies allowed to comment on the recommendations made?

Response: The memorandum was not shared with state wildlife agencies before it was sent to the Bureau of Land Management (BLM) and the U.S. Forest Service.

4. Do you expect BLM and USFS to impose stricter standards based on the recommendations in this memorandum in those areas even if doing so would run counter to state conservation plans or other conservation efforts?

Response: The Service is not in a position to speak to the final decisions that BLM and USFS may make in the context of their resource management plan revisions. We have worked very hard with both the federal land managers and the States to help them develop sage-grouse conservation plans that address threats to the species and otherwise work to conserve the bird such that listing under the Endangered Species Act is not necessary.

5. Please describe in detail how the Secretarial Order on rangeland fire prevention (Sec. Order 3336) factor into the Service's listing determination for the species.

Response: Both the Service 2010 status review and the 2013 Conservation Objectives Team report identified wildfire and spread of invasive species as important impacts that, if not addressed, would continue to significantly and negatively affect the species' habitat and ability to survive into the future.

Secretarial Order (S.O.) 3336 provides a coordinated blueprint for tackling the most significant threat to sagebrush habitats in the Great Basin. The effectiveness of the strategies within the S.O. are dependent on long-term commitments to funding and science-based landscape-scale monitoring and adaptive management. The more those commitments can be crystallized, the greater the likelihood that implementation of the S.O. will be effective at reducing the threat.

6. Does the Secretarial Order provide you with assurance that GrSG habitat on federal lands in the Great Basin will be protected from rangeland fire?

Response: The S.O. does not, by itself, ensure that GrSG habitat on federal lands in the Great Basin will be protected from rangeland fire. The Service will evaluate S.O. 3336 and all other efforts in its decision regarding the current and future status of the species.

7. In October 2014, 18 members of Congress sent a letter to you and Secretary Jewell with a number of concerns and questions regarding the lack of data factored into the potential listing decision and federal lands use plan amendments for GrSG. To date, those members have not received a response; when can they expect answers to the questions raised in that letter?

Response: The Service emailed your staff on December 3, 2014 with the December 2, 2014 date-stamped letter. Your office should have received a hard copy of that response before the start of 2015.

8. How much funding in grants was provided to states and tribes for GrSG conservation efforts in FY 2014 and FY 2015? How much has been requested for grants in FY 2016?

Response: Through the Wildlife and Sport Fish Restoration Program (WSFR), the Service provided \$7,937,741 million in FY 2014, which was matched with \$2,909,524 million in State funds. In FY 2015, the Service provided \$11,573,460, which was matched with \$4,022,957 in State funds. The Service does not yet have figures for FY 2016. The WSFR Program grants are funded through excise taxes and other fees on sport weapons and ammunition, recreational fishing equipment, and other items, which are not subject to appropriations.

Spotted Owl

1. What funding will be dedicated to the "Barred Owl Removal Experiment Study" in FY 2016 and out of which budget line item?

Response: The "Experimental Removal of Barred Owls to Benefit Threatened Northern Spotted Owls" was identified as a Recovery Action 29 in the Revised Recovery Plan for the Northern Spotted Owl (2011) to determine if the removal of barred owls would increase spotted owl site occupancy and improve population trends. Given the continuing range expansion and population growth of barred owl populations in the western United States and concurrent decline in northern spotted owl populations, information on the effectiveness of a removal program is urgently needed. The current anticipated Service contribution for this effort FY 2016 is \$608,000, identified as 1113 Endangered Species Recovery funds (appropriated funding), to be funded out of the Conservation and Restoration subactivity.

Section 7 Consultation

1. In FY 2014, the Service conducted how many formal Section 7 consultations?

Response: The Service concluded 594 formal consultations in FY 2014, with another 170 formal consultations on-going at the end of the fiscal year.

2. How many can be expected in FY 2015?

Response: Through April 15, 2015, the Service has concluded 158 formal consultations to date, with another 195 formal consultations on-going. Federal agencies may request initiation of formal consultations at any time, so it is difficult to determine how many more will be conducted this year. However, between 2009 and 2014, the Service conducted an average of 991 formal consultations per year.

3. How many informal Section 7 consultations took place in FY 2014?

Response: The Service concluded 9,249 informal consultations in FY 2014, with another 323 informal consultations on-going at the end of the fiscal year.

4. How many can be expected in FY 2015?

Response: Through April 15, 2015, the Service has concluded 3,681 informal consultations to date, with another 501 informal consultations on-going. Federal agencies may request informal consultations at any time, so it is difficult to determine how many more will be conducted this year. However, between 2009 and 2014, the Service conducted an average of 11,080 informal consultations per year.

Litigation

1. How much money did the Service pay out in FY 2014 to plaintiffs in cases filed against the agency for violations of provisions of the ESA? Please detail those expenditures.

Response: In FY 2014, the Service paid \$236,263.00. Of this amount, \$110,700 went to the Lewis and Clark Foundation; \$30,000 went to Defenders of Wildlife; \$72,000 went to the Center for Biological Diversity; \$18,500 went to Conservation Force; and \$5,053 went to private plaintiffs.

2. How much money will likely be paid out in FY 2015 to plaintiffs in cases filed against the agency for violations of provisions of the ESA? Please detail those expenditures.

Response: As of August 10, 2015, the Service has paid \$0 to plaintiffs as a result of cases filed against the agency for violations of provisions of the ESA.

Recovery Plans

1. What portion of your budget request was used for writing recovery plans for listed species in FY 2015?

Response: The Service's statutory commitment is to have recovery plans for each species; however, it does not separately track the costs of writing recovery plans from the other statutory workload required for species recovery. In FY 2015, as of August 10, 2015 the Service has published recovery plans for 15 species (final plans for 6 species and draft plans for 9 species) with appropriated funds. (We note that we published 3 multi-species plans covering 10 species and were thus able to address a larger number of species than usual in this fiscal year.)

2. How much has been requested to write recovery plans in FY 2016?

Response: Funding for recovery plans for newly listed species is part of the \$7.741 million increase requested for Conservation and Restoration subactivity in FY 2016. The Service anticipates completing 10-12 recovery plans in FY 2016 if the President's Request is fully funded.

3. How many recovery plans were written in FY 2014 and how many do you expect to be written in FY 2015 and FY 2016?

Response: In FY 2014, the Service published recovery plans for 15 species (4 drafts, 8 final, 2 final revised, and 1 draft revised). In FY 2015, as of August 10, 2015, the Service has published recovery plans for 15 species (9 drafts and 6 final). There are currently 39 species with draft recovery plans. The Service anticipates completing between 10-12 recovery plans in FY 2016 if full funding is provided.

Questions from the Honorable Don Young (AK)

Refuge Lands:

1. The Department of the Interior has a legal responsibility to fulfill the government's obligations under the Alaska Native Claims Settlement Act (ANCSA). Under ANCSA, Alaska Native Corporations often had to select lands for conveyance that were outside their traditional aboriginal lands because their traditional lands were already occupied by the Federal government, the Department of Defense, or various state and local governmental entities. Accordingly, land exchanges and selection of other lands were necessary to satisfy Alaska Native Corporation (ANC) entitlements under ANCSA. Given that ANCs have been denied their traditional aboriginal lands and, out of convenience to the government, have selected other lands and are now trying to develop those lands, it's troubling--but not surprising--that the Department of the Interior delays and impedes the issuances of permits to Alaska Natives who wish to develop their subsurface lands within the boundaries of a National Refuge. What are you going to do to make sure your department protects Alaskan Native Corporations' rights to the lands selected under ANCSA and that the agencies in the Department of the Interior expeditiously assist them in permitting, conveyance, and other dealings with the Department?

Response: The Alaska Native Claims Settlement Act (ANCSA) Alaska Native Corporation (ANC) selections, with some exceptions for ANCs that were under-selected, were completed prior to the passage of Alaska National Land Interest Conservation Act (ANILCA) in 1980. When the ANCs were unable to receive their full entitlements near their community, villages made alternative selections from deficiency areas. These deficiency areas are often located a fair distance from their communities.

The Service is working with ANC applicants to acquire lands closer to their communities through land exchanges. The Service has completed 14 land exchanges. The Service has 5 exchanges in process and 9 additional exchanges under consideration. These exchanges transfer to the ANCs potential revenue generating lands while returning high value fish and wildlife habitat to federal management by the Service.

ANILCA Section 1110 (b) and 43 CFR 36.10, Access to Inholdings, guarantee access to state and private lands (both surface and subsurface) within a refuge boundary. In 43 CFR 36.10 procedures are set forth that provide adequate and feasible access to inholdings within conservation system units including Alaska National Wildlife Refuges.

Paragraph 36.10(3)(1) states that the federal agency "shall specify in a right of way permit the route and method of access...desired by the applicant, unless...the route or method of access cause significant adverse impacts on natural or other values". Implicit in this direction is the application of National Environmental Protection Act (NEPA) in order to determine the impacts on natural resources. The application of NEPA to actions of this type often requires time frames of a year or more to complete.

We will continue to do a timely review of applications and to issue necessary permits, with the cooperation of applicants, when all Federal requirements are fulfilled.

2. Public Law 113-264, the Federal Duck Stamp Act of 2014, included an exemption for rural Alaska subsistence users. What is the status of FWS implementation of the exemption provisions of the law?

Response: The Service announced an interim policy on April 8, 2015 to implement the new law exempting qualified Alaska subsistence hunters from the requirement to possess a Federal Duck Stamp while hunting migratory waterfowl. The announcement was made jointly with Alaska Migratory Bird Co-Management Council (AMBCC) members and the Members of the Alaska congressional delegation.

The interim policy, which provides guidance for implementing the new statute, will remain operational until permanent regulations are promulgated. This will include the publication of a proposed rule for public review and comment.

3. Has the FWS been working with its Handicraft Subcommittee to look at what prohibitions under the Migratory Bird Treaty Act can be permitted to allow Alaska Native use of nonedible parts?

Response: The Migratory Bird Treaty Act (16 U.S.C. 703 et. seq.) (MBTA) prohibits the sale of protected bird species, their eggs or parts. Section 703 also provides that actions that would otherwise be prohibited in the Act may be permitted, and it connects this provision to the four international migratory bird treaties that the United States holds with Canada, Japan, Russia, and Mexico. The MBTA implements these four treaties together, and its provisions are consistent with the agreements therein. The Service is the agency charged with implementing the MBTA, and it also serves as one of three voting members of the Alaska Migratory Bird Co-Management Council (AMBCC). One vote represents the Alaska Department of Fish and Game, and one vote represents the Alaska Native Regional Councils. The AMBCC was created by the Service to meet the United States' commitment under the 1996 U.S.-Canada Migratory Bird Treaty Protocol, Article II(4)(b)(iii) to afford indigenous people "an effective and meaningful role in the conservation of migratory birds, including the development and implementation of regulations affecting the non-wasteful taking of migratory birds and the collection of their eggs, by participating on relevant management bodies."

In both of these roles, the Service has worked over the past year with AMBCC partners and the U.S. Department of State to more clearly understand the provisions of the four international migratory bird treaties with regard to the sale of handicrafts that incorporate non-edible parts of protected bird species. This was undertaken to ensure that any policy change permitting such sale is consistent with the treaties, as provided for in the MBTA. The AMBCC has applied our increased understanding of these provisions to draft its regulation to permit the sale of authentic Alaska Native handicrafts that integrate non-edible parts of migratory birds under limited circumstances, including that only Alaska Native people may sell such handicrafts. During its April 2015 meeting, the AMBCC finalized and adopted its regulation, moving it to the Service Regulation Committee, which will consider it for inclusion in the 2017 annual migratory bird harvest regulation package.

- a. What actions, if any, has the FWS determined could be permitted?

Response: In part, the Service, with the Department of State, has determined that the migratory bird treaties do not prohibit sale of such items outright. Transmittal documents and the Senate Foreign Committee report accompanying the U.S.-Canada Protocol state that the selling of such handicrafts must be permitted under limited circumstances and regulated by the appropriate agency in the Party nations. These handicrafts must be authentic, traditional pieces, made and sold by Alaska Native peoples. Only the nonedible parts of birds taken for nutritional (subsistence) purposes may be incorporated into such handicrafts, and protected species may not be taken solely for the purposes of making and selling such handicrafts.

4. We talked last year about Fish and Wildlife Service law enforcement interactions with Alaska natives regarding subsistence activities.

- a. What conversations did you have with your Alaska field office regarding our conversation and what actions, if any, were taken to address what is viewed as aggressive law enforcement interactions with the Alaska native community?

Response: The Service is providing training to all of its law enforcement officers/agents on Alaska Native communications, protocol, and etiquette. The training events involve Alaska Native elders and experts from all major cultural groups, who provide a wealth of guidance and direction towards positive relationships. The Service is also developing an awareness video for its law enforcement officers/agents, especially those new to Alaska, to teach them important cultural considerations when conducting investigation interviews with Alaska Native peoples. In addition, Service law enforcement personnel are providing services to Alaska Native communities, including providing food to elders in villages and participation in the Ride For Life. The Ride for Life is a partnership between the Alaska State Troopers and the Service in which officers travel through rural Alaska on snow machines, teaching suicide prevention to youth and young adults. This annual event has been well-received, and it reaches many people in rural villages, where suicide rates are much higher than in other areas of Alaska.

5. The U.S. – Russia Polar Bear Agreement includes a quota of 29 bears for Alaska Natives. Where is the Service in implementing this requirement and how is the Service working with the Nanuuq Commission?
- a. Enforcement of the requirement is a concern. Is FWS working with the Nanuuq Commission to establish the Commission as the enforcement body for the hunting quota?

Response: At the 2014 meeting of the U.S.-Russia Polar Bear Commission (Commission), the bilateral authority established under the U.S. – Russia Polar Bear Agreement, the U.S. agreed to begin implementation of the annual taking limit, starting on January 1, 2016. To accomplish that goal, the Service has been working with the Alaska Nanuuq Commission (ANC) to ensure affected Alaska Native tribal governments and polar bear hunters are aware of this new take limit. The Service is also working with the ANC to develop a Federal regulatory reporting requirement that will serve to better inform polar bear subsistence hunters of the remaining allowable take limit as bears are removed from the population. This new reporting requirement is key to ensuring the U.S. take of polar bears does not exceed the 29 bears, which represent the U.S. portion of the current total allowable take established by the Commission.

At the Commission meeting, the Service and the ANC also committed to a phased implementation of enforcement through a cooperative agreement establishing local management authority. Under section 504 of the Marine Mammal Protection Act, the Service may share authority in the management of the taking of polar bears for subsistence purposes with the ANC. Thus, the Service and the ANC are exploring the possible development of a cooperative agreement in which the ANC could undertake a larger role in management responsibilities, including enforcement.

- b. Are there any issues or impediments to having the Nanuuq Commission as the enforcement authority?

Response: Authority to issue and enforce ordinances or regulations which are binding upon polar bear hunters has not yet been transferred to the ANC from all of the Alaska Native tribal village governments whose members take bears from the Alaska-Chukotka polar bear population. Once the ANC receives the requisite authority from these tribal village governments and issues regulations, the Secretary, pursuant to section 503(d)(2) of the MMPA, may promulgate regulations to adopt any such ordinance or regulation issued by the ANC. Apart from these procedures, the Service and the ANC, at the 2014 Commission meeting, recognized needed capacity development at the community level, such as the hiring identification of compliance officers in villages, in order to put an effective local management regime in place.

- c. What does the FWS recommend to address the issues, if any, from (b)?

Response: The Service recognizes the inherent complexities associated with Alaska Native Tribal Governments' transfer of authority to an Alaska Native Organization such as the ANC, especially on issues pertaining to subsistence use of resources like the polar bear. To that end, we also recognize and congratulate the significant progress the ANC has made receiving the required authority from a number of Alaska Native tribal governments. The Service further recognizes that the transfer of authority to the ANC from the remaining Alaska Native tribal governments is an on-going process, and we recommend a continued strategy, begun in the fall of 2014, of the Service partnering with the ANC and meeting with impacted Alaska Native tribal governments and their constituent members, so that affected Alaska Native subsistence users are integrated into the management of subsistence use of the polar bear.

6. In tight budgets international funding programs are viewed as areas to cut, what happens to wild populations of African and Asian elephants, rhinoceros, tigers, Great apes and marine turtles, if funding for the Multinational Species Conservation Funds is stopped or decreased in the future?

Response: In many cases, the Service is the sole or leading funding source of projects that affect the survival of these endangered wildlife populations. The Multinational Species Conservation Funds have engaged nearly 600 domestic and foreign partners working in over 54 foreign countries.

A substantial portion of the funding awarded through the Multinational Species Conservation Funds is invested in projects aimed at combating wildlife crime through improved law enforcement, anti-poaching patrols, demand reduction, and economic alternatives. With illegal poaching at an all-time high, these funds are helping range states to better understand and address the linkage between illegal killing of animals, illegal trade networks, and the consumer markets.

- a. What is the benefit of these funding programs and can they continue if U.S. funding is stopped?

Response: Range country budgets are insufficient to cover both protected area staff and law enforcement personnel operations year round. For example, we may only have funding for five anti-poaching patrols when 50 are needed.

Funding received from the Multinational Species Conservation Funds is absolutely critical to combating wildlife crime. This funding serves as an example to the international community of the importance of combating wildlife crime, and helps bring in increased funds from donor partners. If these budgets are cut, poaching of critically endangered species will continue at an accelerated rate.

7. What is the difference between actions done under these multinational species conservation funding programs and actions taken under foreign Endangered Species Act listings?

Response: The Multinational Species Conservation Funds award grants and cooperative agreements directly to on-the-ground conservation projects for immediate results. Projects work in-country, directly with communities, governments, private industry, non-governmental organizations, and other partners to accomplish the conservation targets necessary to protect wild populations of African and Asian elephants, rhinoceros, tigers, Great apes and marine turtles.

The Service also determines the status of foreign species and whether they should be added to the Federal list of threatened and endangered wildlife and plants and receive protections provided by the Endangered Species Act of 1973, as amended. Listing of foreign species under the ESA limits trade in those listed species and highlights the conservation needs of those species, but listing itself does not support on-the-ground conservation efforts.

Questions from the Honorable John Fleming (LA)

Ivory

1. I notice that there is an increase in the request for law enforcement of wildlife trafficking in the President's FY16 budget. The Service is preparing to publish its new rules concerning ivory. How will the additional law enforcement money be spent? Will it be used to enforce these new rules? How will it affect owners of previously legal ivory who do not possess the kinds of documentation the Service will require under the rule?

Response: A proposed revision of the ESA Special Rule for the African elephant is under review and has not yet been published. Until a proposed rule is published we cannot comment on its contents or effects. The 2016 President's budget includes a \$4 million increase for the Service's Office of Law Enforcement to combat wildlife trafficking. With this increased funding, the Service will hire 25 new personnel to focus on daily detection, interdiction, and investigation, both domestically and abroad, of illegal commercial exploitation. In addition, the FY 2016 budget provides another \$4 million increase to hire a class of 20 new Special Agents. These new agents are needed to address officer safety, efficiency of cases, and staffing shortfalls that affect the Service's Office of Law Enforcement's ability to perform ongoing investigations. After training, the new agents will be deployed to the field for direct interdiction of illegal commercial exploitation by organized criminal elements.

Drilling in National Wildlife Refuges

1. Does the Service still intend to promulgate regulations for drilling in National Refuges? When might the proposed rule be released?

Response: Yes. We anticipate publishing a proposed rule and supporting draft Environmental Impact Statement in the Federal Register in summer 2015.

2. How will the Service ensure that private mineral rights owners are not denied access to their rights through regulatory barriers?

Response: The Service will ensure that mineral rights owners have reasonable access to their non-Federal mineral estate. The objective of this rulemaking is to strike a balance between the Service's responsibility to protect refuge resources and uses and a mineral owner's right to access their non-Federal mineral estate beneath refuges. The proposed rule will identify reasonable regulations for oil and gas activities that involve or affect federally managed lands of the National Wildlife Refuge System to avoid or minimize impacts from such activities. The proposed rule will recognize non-Federal mineral owner's rights, improve consistency across the Refuge System, and complement (not duplicate) state regulatory programs.

Northern Long-Eared Bat

3. How will the proposed 4(d) rule for the Northern Long-Eared Bat (NLEB) contribute to species recovery, if the primary problem is not habitat degradation, but white-nose syndrome?

Response: The primary threat to the northern long-eared bat is white-nose syndrome. This disease, first discovered in 2007, has decimated many cave-hibernating bat populations in the Northeast. In seven years it has spread to 25 of the 37 states (plus the District of Columbia) within the range of the northern long-eared bat. However, there are other activities considered secondary threats that may harm or kill northern long-eared bats. These activities include forest management practices; maintenance and limited expansion of transportation and utility rights-of-way; prairie habitat management; limited tree removal projects, provided these activities protect known maternity roosts and hibernacula; removal of hazardous trees; removal of northern long-eared bats from human dwellings; and authorized capture and handling of northern long-eared bat by individuals permitted to conduct these same activities for other bats (for a period of one year).

Because the bat is now protected under the Endangered Species Act, take from secondary threats must be considered in the overall effort to protect and recover the species.

*Incidentally taking a bat while conducting any of the activities listed above is prohibited without a permit or authorization.

Consequently, the Service published an interim 4(d) rule to provide flexibility to avoid unnecessary regulation of the secondary factors listed above. The 4(d) rule allows the Service to promulgate the take prohibitions that are necessary and advisable for the conservation of the species. This allows us and our partners to focus on actions that are most important to conservation of northern long-eared bats. We believe incidental take caused by some tree removal and tree-clearing activities, when combined with conservation measures that protect the bat's most vulnerable life stages, does not need to be prohibited to conserve the northern long-eared bat. The Service intends to publish a final rule by the end of 2015.

4. Why has the Service declined industry offers of a conservation fund that would pay for research into combatting white-nose syndrome?

Response: The Service is not aware of any formal offers by industry to pay for research specifically focused on combating white-nose syndrome. We would be interested in any opportunity to work with partners to combat the disease. The Service has experience working with industry through the National Fish and Wildlife Foundation on species conservation issues and would be interested in exploring opportunities specifically related to white-nose syndrome. Industry has approached us during the listing process for the northern long-eared bat to consider mitigation funds related to the oil, gas and wind industries as part of our proposed 4(d) special rule. We will continue to explore those opportunities as we work to finalize the 4(d) rule this year.

5. What steps has the Service taken to prepare for the additional Section 7 consultations that will result of the NLEB listing? Can the Service guarantee that transportation, energy development and real estate projects in 38 states will not be significantly delayed by the listing and 4(d) rule?

Response: Our consultation activity on the Indiana bat, a bat species listed as endangered in the eastern U.S., is a good indicator of how the threatened northern long-eared bat (NLEB) will be handled through Section 7. We complete approximately 2,000 Indiana bat consultations a year. Of those consultations, 98 percent are completed informally, i.e., without the need to enter into formal consultation and prepare a biological opinion. We have not concluded that any projects would jeopardize the Indiana bat or adversely destroy or modify its critical habitat. We provide technical assistance for nearly 1,700 additional projects a year.

We are working with federal agencies and private entities to efficiently and effectively complete NLEB project reviews. We are doing so in a manner that balances the conservation needs of the species with economic development. In an effort to meet this and other increasing needs for consultation as the economy recovers, the Service has requested an increase for ESA consultations to support that work during FY 2016.

Questions from the Honorable Ryan Zinke (MT)

1. In her comments during the House Appropriations Committee budget hearing a few weeks ago, Secretary Jewell stated that this Administration has delisted more "recovered" species than any other since the ESA was enacted. That is certainly encouraging. According to the Service's FY 2016 budget justification, however, approximately 60 species have been identified for potential de-listing or downlisting based upon recent five-year reviews. In FY 2015, \$107 million was provided to the FWS for conservation and restoration activities, which covers de-listing and downlisting actions.
 - a. Why haven't those de-listings and downlisting taken place?

- b. Can you get a commitment that the Service will take action on those species in the next few months?
- c. How does the Service define the backlog of delistings and downlistings? For example, how much time has to pass before a potential delisting or downlisting is considered backlogged?
- d. How many potential delistings and downlistings has the Service budgeted for FY16, and what is the estimated cost?

Response: The Service currently has 24 delisting or down-listing actions under development; 11 of these are final actions, 13 are new proposed actions. We anticipate that we will complete 6-9 proposed or final delisting or downlisting rules in FY 2015, and 4-6 proposed or final rules in FY 2016 with existing resources. The pace at which the Service is able to complete delistings and down-listings is dependent largely on the resources available and complexity of the individual actions. The Service requested for FY 2016, a total of \$10.7 million, an increase of \$4.8 million over the enacted level, for cooperative recovery. This increase will support the Service's cross-programmatic partnership approach for planning, restoration, and management actions to address threats to endangered species in areas that are strategically important for conserving listed species. The focus will be on implementing recovery actions for species near delisting or reclassification from endangered to threatened and actions that are urgently needed for critically endangered species. The successful delisting recommendation of the Oregon chub, a year ahead of schedule, illustrates the merit in this approach.

If we were to receive an increase of \$1 million in FY 2016 for delisting and downlisting actions, we estimate that we could initiate an additional 5-6 proposed rules; similarly if we receive an increase of \$2 million in FY 2016, we estimate that we could initiate or finalize an additional 10-12 delisting or downlisting rules in FY 2016.

- 2. I understand that the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) will finalize their land use plan amendments for Greater Sage Grouse over the next few months. The draft versions of these plans were extremely restrictive and, if implemented as drafted, would severely hamper multiple-use activities across the species' range.

- a. Has BLM indicated to you when these plan amendments will be finalized?
- b. Will the Service wait until these plans are completed with signed records of decision before making the listing determination for the species?

Response: The Service anticipates that BLM will finalize their land use amendments for greater sage-grouse with a record of decision-making by the end of the summer. The Service knows that the BLM and the U.S. Forest Service are working to complete their plan amendments within the time needed for the Service to be able to consider them when it makes its listing determination.

- c. Do you expect those plans to be even more restrictive than they were in draft form?
- d. I worry that those plans, which for the most part were incredibly restrictive in their draft forms, could become even more restrictive and will come at the expense of future multiple-use activities on public lands with sage-grouse habitat in several western states. Does the Service understand and recognize the negative impact these revised plans will have on future multiple use activities on public lands across the West?
- e. Given the significance those plans will have in the listing decision, what happens if the final land use amendments are protested or litigated?

Response: The U.S. Fish and Wildlife Service understands the importance and scope of the entire sage-grouse effort, including the BLM's greater sage-grouse conservation planning effort. That is one reason why we are fully engaged in an extensive and long-term collaboration involving multiple stakeholders. The BLM's conservation planning effort is an unprecedented, collaborative, and proactive effort throughout the West to identify and incorporate appropriate conservation measures to help conserve, enhance, and restore the sagebrush steppe. The Service intends to evaluate those plans, while also considering the other unprecedented efforts of State, public, and private conservation efforts across the species' range to determine whether listing under the Endangered Species Act is warranted.

The BLM planning process has been complex and highly collaborative with meaningful coordination across a broad range of stakeholders and cooperators, including the Western Governors, State Fish and Game agencies, the U.S. Fish and Wildlife Service, the U.S. Forest Service, and others. Although complex, the BLM is following its usual planning process as governed by applicable law and policy, including the Federal Land Policy and Management Act, the BLM's planning regulations, and the Land Use Planning Handbook.

Because of the extensive nature of this effort, in terms of geographic scope, the number of stakeholders, and the level of collaboration and coordination, any final decision on whether or not to list the greater sage-grouse will be highly scrutinized and of interest to many. The Service has worked to put in place a scientifically rigorous, defensible, and transparent process to evaluate the status of the species. We are maintaining a comprehensive record of the information received and how it is used. Our rigorous and objective decision process and detailed and comprehensive administrative record will serve as the basis for defending any listing decision.

Questions from the Honorable Glenn 'GT' Thompson (PA)

1. I've been closely following the Service's actions with regard to the Northern Long-Eared Bat. I am concerned that listing the species under the ESA would focus the Service's efforts on habitat protection, rather than addressing the spread of White Nose Syndrome

(WNS), which is the primary reason for NLEB population decline. The President's budget request, however, includes only \$2.5 million to address WNS for FY 2016.

Why is the Service so intent on spending resources on listing and managing the species under the ESA instead of directly addressing the spread of the disease?

Again, a listing under the ESA would focus the Service's efforts on habitat protection, which could unnecessarily hamper economic activity in dozens of states, and doesn't help combat the spread of the disease.

Response: The Service has led and coordinated the multi-agency response to white-nose syndrome for a number of years, and has been funding work on white-nose syndrome research and containment since it first emerged as a major disease threat. In FY 2016, the Service has requested \$4.5 million for white-nose syndrome work -- \$2.5 million for Service science and \$2.0 million in Endangered Species Recovery.

The Service engaged in a listing determination as required by the Endangered Species Act. As required by the law, we responded to a petition to list. Also as required by the law, we based our listing determination on the status of the species and the threat factors specified in the statute, which includes effects of disease on the species.

2. Given the expansive 38-state range of the NLEB, what steps has the Service taken to prepare for the flood of new Section 7 consultations that will be required for new transportation, traditional and renewable energy exploration and production, commercial and residential construction, electricity transmission, and forest management?
 - a. How does FWS intend to conduct the countless additional consultations that will be triggered by the NLEB's listing without bogging down these crucial economic activities with unnecessary delays?

Response: Our consultation activity on the Indiana bat, a bat species listed as endangered in the eastern U.S., is a good indicator of how the threatened northern long-eared bat (NLEB) will be handled through Section 7. We complete approximately 2,000 Indiana bat consultations a year. Of those consultations, 98 percent are completed informally, i.e., without the need to enter into formal consultation and prepare a biological opinion. We have not concluded that any projects would jeopardize the Indiana bat or adversely destroy or modify its critical habitat. We provide technical assistance for nearly 1,700 additional projects a year.

We are working with federal agencies and private entities to efficiently and effectively complete NLEB project reviews. We are doing so in a manner that balances the conservation needs of the species with economic development. In an effort to meet this and other increasing needs for consultation as the economy recovers, the Service has requested an increase for ESA consultations to support that work during FY 2016.

Questions from the Honorable Dan Newhouse (WA)

1. On February 13th the Fish and Wildlife Service, along with the National Park Service and the Washington Department of Fish and Wildlife, announced the official start of a public process to plan for the restoration of a grizzly bear population into the North Cascades Mountains. One of these forums was held in Okanogan County in my District. These events were billed as "public forums" where residents could learn about the proposal and voice their opinions and concerns. While this may have been the intent of these meetings, it was far from the actual outcome, as many residents were not allowed to voice their concerns. Many of my constituents are understandably concerned with your decision to reintroduce grizzly bears, and for good reason as it violates Washington State law. Yet equally troubling is the manner in which these "forums" were conducted. I have serious reservations about this plan and the poor manner in which these forums were conducted. Given the importance of public input and the many ramifications this plan will likely have, do you believe the Service handled this matter appropriately?

- a. Would you be willing to restart this process and conduct these forums in a manner that allows for public input and explains the plan in a manner that is not belittling to local residents but actually informs them of your plan and presents evidence to support your decision?

Response: The U.S. Fish and Wildlife Service and National Park Service, in cooperation with the Washington Department of Fish and Wildlife and USDA Forest Service, have just begun the Environmental Impact Statement planning process to evaluate a range of possible alternatives to restore grizzly bears to the North Cascades ecosystem pursuant to the Grizzly Bear Recovery Plan. That plan suggests fully considering the restoration of the grizzly bear in the North Cascades. No decision to translocate grizzly bears to the North Cascades ecosystem has been made. The agencies are currently seeking public input on the goals and intent of the project. The first phase of this public scoping process included six public open houses that provided an opportunity to interact directly with experts and leaders from the cooperating agencies in a face-to-face, open-house style setting.

- b. Can you please explain the reasoning behind the decision to introduce grizzlies into the North Cascades and what scientific evidence led to and/or supports this decision?

Response: Currently, there is no decision to reintroduce grizzly bears into the North Cascades. In 1997, the Interagency Grizzly Bear Committee formalized the NCE as a recovery area, and a North Cascades recovery plan chapter was completed and appended to the overall recovery plan (1982). This recovery plan action recommended the initiation of a National Environmental Policy Act Environmental Impact Statement process to evaluate alternatives for grizzly bear recovery in the North Cascades ecosystem. It did not proscribe a translocation but instead identified using National Environmental Policy Act and its public notice and comment process to evaluate alternatives for grizzly bear restoration in the North Cascades ecosystem.

The Grizzly Bear Recovery Plan suggests fully considering the restoration of the grizzly bear in the North Cascades. Therefore, we are seeking public input. No decision to translocate grizzly bears to the North Cascades ecosystem has been made.

2. As you know, Washington is one of the eleven western states with Sage Grouse habitat, with breeding populations in the counties of Douglas, Grant, Kittitas, and Yakima. The sage grouse populations in Central Washington fall almost squarely in my district and there is considerable concern over the possible listing of the greater sage grouse for protection under the Endangered Species Act. Recently, a coalition comprised of rural western interests filed challenges against FWS, BLM, and the USGS, contesting three reports that are being used to justify Interior's decision to add grouse conservation measures to 98 BLM and Forest Service resource management and land use plans. The 2013 FWS-commissioned "Conservation Objectives Team (COT) report" is being challenged due to claims it contains "extensive flaws in the agencies' science, and demonstrated how they exaggerate impacts from human activities while ignoring real threats like predation, as well as natural fluctuations." On March 12th a group of well-respected scientists sent a letter to Secretary Jewell, which said "federal agencies appear to be abandoning science-based conservation measures... in favor of more elastic, subjective measures identified in the Fish and Wildlife Service's COT Report." It also states that "parts of the report contained questionable statements that are not supported by the best available science." Given the concern expressed by the coalition and numerous well-respected scientists, do you believe these reports, and specifically the COT report, address specific cause and effect threats to sage grouse? Further, do you believe the COT report is scientifically sound and uses the best available science?

- a. Will these reports be used by Fish and Wildlife in your determination of whether to list the greater sage grouse for protection under ESA?

Response: In the spring of 2012, the states in the range of the greater sage-grouse and the Service embarked on a first-of-its-kind, collaborative approach to develop rangewide conservation objectives for the sage-grouse, both to inform our upcoming 2015 decision under the Endangered Species Act and to inform the collective conservation efforts of the many partners working to conserve the species. Recognizing that state wildlife agencies have management expertise and management authority for sage-grouse, we convened a Conservation Objectives Team (COT) of state and Service representatives. The team was asked to produce a recommendation regarding the degree to which threats need to be reduced or ameliorated to conserve the greater sage-grouse so that it would no longer be in danger of extinction or likely to become in danger of extinction in the foreseeable future. The final, peer-reviewed COT report delineates such objectives, based upon the best scientific and commercial data available. To that end, yes, I believe that the COT report is scientifically sound and uses the best available science and yes, the COT will be used in the determination of whether to list the greater sage-grouse for protection under the ESA.

Questions from the Honorable Mark Takai (HI)

1. I thank the Fish and Wildlife Service (FWS) for ranking the Hakalau Forest National Wildlife Refuge (NWR) as first in priority for FY16 Discretionary funds of the Land and Water Conservation Fund (LWCF). If the President's Budget request for the Land and Water Conservation Fund (LWCF) is enacted as is, the Hakalau Forest NWR project would receive \$8.6 million for fee title acquisition of 6,908 acres, two of the three parcels comprising a 10,034 acre site in the Kona Forest Unit of Hakalau Forest NWR. This site has significance for recovery of listed plants and endangered forest birds and their habitats. It provides important watershed values including groundwater recharge and prevention of siltation of nearby marine environments. Additionally, the Service has prioritized the Hakalau Forest NWR as 14th for Mandatory LWCF. Under the President's Budget, Hakalau Forest NWR would receive \$11.4 million for fee title acquisition of 17,695 acres in the Hakalau Forest NWR, on the windward side of Hawai'i Island. This acquisition will help recover listed plants and endangered forest birds and their habitats by providing groundwater recharge and preventing siltation of nearby marine environments.

If the President's FY16 Budget requests for the LWCF are not enacted as is by Congress, how will the proposed funding and acquisition for the Hakalau Forest NWR be effected?

Response: Should the requested funding not be available, it would further delay important habitat restoration and protection for birds and rare plants in the South Kona vicinity. The South Kona properties include much of the last known occupied lands supporting the endangered 'Alalā. Because 'Alalā reintroduction is a major priority for the State of Hawaii as well as the Service, habitat recovery is essential, and connectivity to other high value habitats is a key feature of this acquisition initiative. Reintroduction is anticipated on State lands within 2-3 years of this date, and the sooner Federal lands are available for use as subsequent introduction sites, the sooner captive-born birds can be safely released from holding areas and benefit from refuge protection.

Proposed land acquisitions on the windward side of Hawaii island will connect lower elevation forest habitats to Service lands, potentially allowing for the expansion of rare species as management actions are implemented. Forest birds have the potential to develop immunity to avian disease over time, and the presence of protected lowland rainforests can become a key factor in further recovery efforts. Opportunities for public use and environmental education may be created that are currently limited on existing refuge lands due to remoteness and sensitivity of higher elevation lands. The Service has the capability to play an important role in watershed protection in the areas surrounding Hakalau Forest NWR by expanding the model management footprint through partnership and acquisition in some of the State's most biologically diverse watersheds. A timely opportunity to restore high elevation critical habitat for the endangered palila near Hakalau Forest at Kukaiau Ranch could capitalize on recent State efforts to control introduced sheep on Mauna Kea, accelerating recovery for one of Hawaii's most endangered birds.

Failure to obtain funding in FY16 will delay, and could prevent the Service from making much needed progress in our conservation partnerships. Specifically, these Service acquisitions would dovetail perfectly with a recent watershed funding initiative dedicating millions in conservation funding from the State of Hawaii's "Rain Follows the Forest" Program. The Service's acquisitions will align with the State's funding program, and this combined investment is critical cornerstone to future conservation success on Hawaii.

2. Proposed land acquisitions on the windward side of Hawaii island will connect lower elevation forest habitats to Service lands, potentially allowing for the expansion of rare species as management actions are implemented. Among other benefits, these Service acquisitions would dovetail perfectly with a recent watershed funding initiative dedicating millions in conservation funding from the State of Hawaii's "Rain Follows the Forest" Program. The Service's acquisitions will align with the State's funding program, and this combined investment is critical cornerstone to future conservation success on Hawaii. While more than 34% of birds listed under the Endangered Species Act are found only in Hawaii, FWS allocates a mere four percent of recovery funds for listed birds to Hawaiian species. Even so, a successful partnership between the FWS, the State of Hawaii Division of Forestry and Wildlife (SDZICR), and the Hawaii Endangered Bird Conservation Program (HEBCP) has brought the 'Alala (Hawaiian crow) species back from the brink of extinction through captive propagation and reintroduction. The next step in restoring the 'Alala population is reintroduction of the birds to the wild; however, long-term funding from the USFWS and SDZICR for the restoration process has not been secured. The President has requested increased funding for Endangered Species Recovery funds (\$88.95 million), but his request for the State of the Birds Programs remains below previous years' levels of \$3 million.

- a. Could you provide more information on the FWS plan for addressing the next steps of the 'Alala Restoration Plan?

Response: The Service is working with the Zoological Society of San Diego and Hawaii Division of Forestry and Wildlife (DOFAW) to carry out the first release back into the wild in more than a decade. The captive bred Alala will first be released at Puu Makaala Natural Area Reserve, which will take place in mid- to late 2016. Subsequent releases of this critically endangered species will take place on private land and at the Hakalau Forest National Wildlife Refuge. As the landowners for the first release site, DOFAW has worked with volunteers and others to restore habitat and will address predators at the time of the release. The cost to reintroduce the Alala to the site is approximately \$804,000 for the first year, a cost shared by the Service, Zoological Society of San Diego and DOFAW. We anticipate that additional funding for future release years will be shared by partners and the Service as well.

- b. Additionally, could you provide information on the FWS's plan to address the extinction crisis of two species of Hawaiian honeycreeper, the 'Akikiki and 'Akeke'e?

Response: In 2013, the Service held a scientific workshop involving experts and partners such as the Zoological Society of San Diego, Hawaii Division of Forestry and Wildlife (DOFAW), U.S Geological Survey and American Bird Conservancy. From this workshop, we identified several key steps needed to conserve the 'Akikiki and 'Akeke'e: 1) captive propagation, 2) habitat management, including weed and ungulate control, and 3) mosquito control. The captive breeding program is currently funded and underway. Eggs from both species of honeycreepers were recently collected from wild nests, incubated and successfully hatched and fledged in captivity. The initial success of the project is significant and encouraging, since both species are elusive and nest at the top of the forest canopy. We anticipate that in the next few years we will continue to focus on captive breeding and habitat management prior to any releases into the wild. Mosquito control will also be important to future conservation as mosquitos are carriers of avian malaria, a significant threat to these species. We are working with a number of public and private partners to evaluate various methods of mosquito control and eradication.

Questions from the Honorable Madeleine Z. Bordallo (GU)

1. Director Ashe, I have a question about the status of negotiations with the U.S. Navy on the location of the proposed live-fire training range at Northwest Field on Andersen Air Force Base on Guam. As you know, passage of text of H.R. 4402 in last year's defense bill help to facilitate negotiations between Navy and the Fish and Wildlife Service. The live-fire training range is critical to the relocation of Marines from Okinawa to Guam. I suspect that you are close to providing the biological opinion to the Navy consistent with NEPA and I hope that accommodations can be made for the relocation of the main refuge facility as well as for access to certain parts of the refuge when the range is not live. However, I caution that the federal government is committed to a net negative land strategy on Guam. I appreciate that appropriate mitigations will likely need to be found for impacted species but, at the end of this process, we must have a net negative land footprint without negatively impacting or inhibiting current or future DoD missions on Guam. So, can you comment on where we are in the process and if you think you'll be able to find a compromise on matters in the next few months? Also, is the refuge looking into the proposal of potentially relocating to other areas or islands in the region?

Response: The US Fish and Wildlife Service has been, and will continue to, negotiate an agreement with the Navy per the H.R. 4402 text in the 2015 NDAA. The operation of the Surface Defense Zone presents a significant limitation on the ability of the Guam NWR, Ritidian Point Unit, to meet its mission and priorities as identified within its Comprehensive Conservation Plan. Meeting the habitat and mitigation needs for the listed species impacted by the Navy's proposed actions presents significant challenges at this time. The Navy and the Service have discussed a broader conservation strategy to support future military activities in the Pacific but no commitments have been made.